

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date September 16, 2014
Dept. Development Services Department

Item Title: **Public Hearing to Consider Planned Development Permit Modification PDP06-013M and Tentative Map Revision TM0055 Modifying an Approved 22 Unit Condominium Project on a 0.8 Acre Vacant Lot Located on the Northwest Corner of Golden Avenue and Washington Street**

Staff Contact: David De Vries, Principal Planner

Recommendation:

- 1) Conduct the public hearing; and
- 2) Adopt a resolution (**Attachment B**) approving Planned Development Permit Modification PDP06-013M and Tentative Map Revision TM0055.

Item Summary:

The proposed project is located on the northwest corner of Golden Avenue and Washington Street on a 0.80 acre vacant site in the Residential Medium/High Zone. The applicant has requested modifications to the project regarding affordability restrictions, water quality requirements, landscape design, open space features, and a reconfiguration of the street improvements along Washington Street. The attached staff report (**Attachment A**) outlines the proposed revisions in detail. On August 25, 2014, the Planning Commission conducted a public hearing and recommends approval, as proposed and conditioned in the resolution (**Attachment B & C**).

Fiscal Impact:

No fiscal impact.

Environmental Review:

- | | |
|--|--|
| <input type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorically Exempt | <input checked="" type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|--|
| <input type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input checked="" type="checkbox"/> Notice to property owners within 300 ft. |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- | | |
|---|---|
| A. Staff Report | E. July 22, 2014 Letters from Applicant |
| B. Resolution (TM0055) | F. Aerial Photograph and Vicinity Map |
| C. Resolution (PDP06-013M) | G. City Council Resolutions 2755 & 2756 |
| D. Mitigated Negative Declaration ND07-06 | H. Exhibit "A"- Project Plans |

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date September 16, 2014

Item Title: **Public Hearing to Consider Planned Development Permit Modification PDP06-013M and Tentative Map Revision TM0055 Modifying an Approved 22 Unit Condominium Project on a 0.8 Acre Vacant Lot Located on the Northwest Corner of Golden Avenue and Washington Street**

Staff Contact: David De Vries, Principal Planner

Application Summary:

APPLICANT/OWNER:	Carlos Garbiras, Golden Doors Development, 7710 Balboa Avenue, Ste. 328, San Diego CA 92111.
PROPERTY LOCATION:	APN: 480-132-15-00. The site is located on the northwest corner of Golden Avenue and Washington Street.
PROJECT AREA:	0.80 acres (34, 639 sq. ft.) gross and 0.76 acres (33,110 sq. ft.) net.
EXISTING ZONE:	Residential Medium/High (RM/H).
GENERAL PLAN LAND USE DESIGNATION:	Medium/High Density Residential. Maximum density is 29 dwelling units per acre or 22 dwelling units.
SURROUNDING PROPERTIES:	North: Commercial shopping center and general commercial uses. South: Single-family residences. East: Single-family residences and multi-family apartments. West: Single-family residences and multi-family apartments.
ENVIRONMENTAL IMPACT:	This project is consistent with the certified Mitigated Negative Declaration ND07-06 which found that the project would have no significant effect on the environment. The Initial Environmental Study prepared for this project identified potential impacts associated with: Cultural Resources. Grading may impact the underlying Mission Valley Formation and a paleontologist may be required to monitor grading within the Mission Valley Formation at all times in order to extract and preserve historical artifacts.

Background

On December 4, 2007, the City Council approved Planned Development Permit PDP06-013 and Tentative Map TM0055 entitling 22 condominium units to be constructed on the subject property. The current approvals (**Attachment G**) expire December 4, 2016. Since the initial project was approved, a new owner has taken control of the property.

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On August 11, 2014, the applicant submitted a complete application for the proposed modifications. During the application process, the Engineering Department determined that allowing two-way traffic southbound on Washington Street from Broadway to the project's proposed driveway (the condition previously approved) was not ideal and began an investigation into alternative design solutions. The applicant agreed to improve the full width of Washington Street between Golden Avenue and the driveway entrance into Anna's Family Restaurant (includes full right-of-way improvements fronting the project site and approximately 110 feet north of the project site). The Engineering Department determined that excess right-of-way existed on Washington Street fronting the subject property and agreed that a three foot vacation should be included in the project because the solution included reducing the width of the right-of-way. As a result, the actual acreage of the property increased and allows the 22 dwelling units without applying the density bonus provision—the affordability restriction is no longer required. Other minor site modifications are proposed.

On August 25, 2014, the Planning Commission conducted a public hearing and recommended that the City Council approve the proposed modifications with conditions recommended by staff. The applicant spoke in favor of the project and a neighbor expressed concerns about construction dust and debris and noise from construction hindering the neighborhood's general welfare. In response, staff was asked to summarize construction best management practices and noise regulations and recommended to the neighbor that the Code Enforcement Department be contacted with any concerns during construction activities.

Project Description

The project is a modification request for a major subdivision (condominium map) and a planned development for 22 rowhome condominium units and common areas including six off-street parking spaces, common drive- and walk-ways, and a common open space area with an open play lawn, picnic table, and barbecue pit. Each rowhome consists of a 1,614 sq. ft. living area, three-bedrooms, two-bathrooms, a two-car garage, and two decks. The proposed grading includes approximately 320 cubic yards (cy) of cut and 7,720 cy of fill. An up to a 26 foot high retaining wall is proposed along the northerly property line.

This project includes the following modifications to the approved Planned Development Permit and Tentative Map:

1. Convert three condominium units restricted to moderate income families to market-rate units.
2. Amend waivers as follows:
 - a. The original project was approved with a 3.6 foot front setback along Washington Street; and with the proposed vacation, the front setback is increased to 6.6 feet. The proposed revision is more consistent with the Code. A 25 foot setback is the required front setback in this zone.
 - b. The original project was approved with 9,273 sq. ft. of usable open space. The modified project includes 7,605 sq. ft. of usable open space or 1,668 sq. ft. less than the current approval. The minimum usable open space required is 500 sq. ft. per unit or 11,000 sq. ft. See the discussion regarding balconies in section 5.c. and 5.d. below.
 - c. The original project was approved with 5,298 sq. ft. of landscape on-site or 16 percent of the net lot area (currently in compliance). This calculation did not include public right-of-way landscape area. The modified project includes 4,165 sq. ft. of landscape or 13

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percent of the net lot area where 4,967 sq. ft. is required. However, the project installs a total of 8,428 square feet if the landscape with the public right-of-way areas is included.

3. Convert “tot lot” to an open play lawn area to provide joint use of this space as a bioretention basin for stormwater purposes.
4. Increase drainage and bioretention improvements to comply with current storm water regulations.
5. Amend floor plans as follows:
 - a. All condominiums will be three bedrooms (previously seven units were two bedrooms).
 - b. Gross floor area of each unit will be 2,054 sq. ft. (previously 1,834 sq. ft.)
 - c. First floor porches are eliminated due to the proposed landscape and grading on-site.
 - d. The second balcony on the third floor is eliminated in the proposed plans. The applicant prefers that balconies not face the drive aisle as shown in the current approval. This concept reduces private usable open space provided on the project.
6. The previous two-way traffic design from Broadway to the site driveway on Washington Street is eliminated due to line-of-sight concerns. One-way traffic on Washington Street from Golden Avenue to Broadway will remain as it currently operates, but with narrower travel lanes, additional street landscape, and a five-foot wide bike route.
7. Existing northbound stop bar on Washington Street at Golden Avenue will be removed and relocated to the crest of the hill north of Golden Avenue to reduce vehicle speeds and improve line-of-sight.

Analysis

Waivers

The following offsets are proposed pursuant to Lemon Grove Municipal Code Section 17.28.030D and have been incorporated into the project to support the requested waivers:

1. Enhanced pedestrian improvements on-site and along Washington Street: A wide landscape buffer with additional street trees (beyond the requirement) are provided adjacent to the proposed sidewalk along Washington Street (includes new 80 foot long by 15 foot wide landscape strip north of the property).
2. Enhanced bicycle improvements along Washington Street: A five-foot wide bike route is proposed on the east side of Washington Street between Golden Avenue and the driveway entrance to Anna’s Family Restaurant.
3. Enhanced recreational/outdoor amenities: A common recreational area is proposed including an open play lawn, barbecue, and seating area.

The applicant must show that at least one of the three proposed offsets (nine offsets are offered by the Planned Development Permit regulations) is achieved in order for the City to approve proposed deviations. Previous waivers were approved through the Density Bonus Provisions. The Municipal Code was modified in 2010 to incorporate allowable waivers and offsets in the Planned Development Permit process.

Off-Street Parking

The minimum off-street parking required in the Residential Medium/High Zone (RM/H) requires two spaces per dwelling unit, one of which must be covered plus one space per four dwelling

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units for guest parking, or a total of 50 required parking spaces. The project meets the parking requirements (50 off-street parking spaces in 22 two-car garages and six guest parking spaces, two of which are required ADA parking spaces).

Landscape

The minimum landscape required for residential projects is 15 percent of the total lot area or 4,967 sq. ft. The project proposes 8,428 sq. ft. of landscape, of which 4,263 sq. ft. (includes 31 street trees) is located in the public right-of-way (primarily on Washington Street) and 4,165 sq. ft. of landscape or 13 percent of the net lot area is proposed on-site. The retaining wall is proposed to be planted with vines and is not reflected within their proposed landscape calculation. A condition has been added in the resolution requiring the landscape in the right-of-way to be maintained by the Home Owner's Association.

Fencing and Screening

The proposed fence, gate heights and locations were approved as a part of the current approvals and no changes are proposed.

Waivers Required for a Condominium Map

The condominium map requires each condominium building footprint to be a separate legal condominium lot. The development standards of the Municipal Code do not directly address design standards for condominium projects. No change is proposed to the proposed condominium lot configuration.

Traffic

The Engineering and Planning Departments coordinated with the applicant on revisions to the Washington Street right-of-way. Due to line-of-sight concerns, the previously approved proposal (allowing for two-way traffic on Washington Street from Broadway to the proposed driveway on Washington Street) was problematic because it became evident that drivers may perform a U-turn movement at the Washington Street site driveway within a line-of-sight conflict area. The Engineering Department determined that allowing two-way traffic from Broadway to Golden Avenue on Washington Street, consistent with General Plan guidelines (Class III Collector), was unacceptable also because of the potential for unsafe maneuvers in the line-of-sight conflict area. South bound vehicles would not have adequate line-of-sight from northbound vehicles. Since 2007, no collisions have occurred in this area (records prior to 2007 were not analyzed) and maintaining the current circulation pattern (as now proposed) is advised and recommended.

The new proposal retains the one-way traffic movements for vehicles as it currently exists although in an improved right-of-way. The proposed improvements relocate the northbound stop sign at Golden Avenue and Washington Street to the crest of the hill fronting the project on Washington Street just north of Golden Avenue, allowing for northbound vehicles to approach the proposed Washington Street driveway at a reduced speed and improve the visibility for vehicles exiting the proposed driveway. The two-way traffic from Broadway will end at the driveway entrance near Anna's Family Restaurant on Washington Street and will be one-way for northbound vehicles only from the driveway entrance near Anna's Family Restaurant to Golden Avenue which is the same as current conditions. The new five foot wide bike route, reduced vehicle lane width (11 feet proposed), and new landscape buffer on Washington Street will aid bicycle, pedestrian, and vehicular movements.

Street Improvements

Golden Avenue is designated as a local residential street with a required 28-foot one-half right-of-way width. The Golden Avenue frontage of the subject property is currently dedicated to a

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30-foot one-half right-of-way and improved with curb, gutter, and sidewalk. No additional public street dedication or improvements are required for the Golden Avenue frontage of the property.

Washington Street is designated as a Class III Collector Street with a required 30-foot one-half right-of-way width. The Washington Street frontage of the subject property is currently dedicated to a 45-foot full right-of-way width. This portion of Washington Street is improved with curb, gutter, and sidewalk. The Engineering Department determined that additional right-of-way is not required because the section of Washington Street will be retained for one-way traffic and a three foot vacation of right-of-way is recommended.

There are no overhead utility facilities within the half-street width of Golden Avenue or Washington Street abutting the property. All new utilities on the subject property will be required to be placed underground.

Amendments to the Approved Resolutions

Since the project was approved in December 2007, there have been changes to subdivision processes, Planned Development Permit regulations, and stormwater regulations. The proposed revisions are in part responding to these changes and the revised resolutions (**Attachments B & C**) reflect these changes.

Public Information:

The Notice of Public Hearing was published in the September 4, 2014 edition of the East County Californian and property owners within 300 feet of the subject property were notified.

Conclusion:

The Planning Commission recommends that the City Council approve the resolutions (**Attachments B & C**).

RESOLUTION NO. | |

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING TENTATIVE (CONDOMINIUM) MAP REVISION TM0055 AUTHORIZING THE SUBDIVISION OF A 0.80 ACRE PARCEL INTO TWENTY-TWO CONDOMINIUM LOTS AND ONE COMMON LOT ON AN UNDEVELOPED SITE AT THE NORTHWEST CORNER OF GOLDEN AVENUE AND WASHINGTON STREET, LEMON GROVE, CALIFORNIA

WHEREAS, the applicant, Carlos Garbiras of Golden Doors Development, filed a complete application for a Planned Development Permit Modification PDP06-013M and a Tentative Map Revision TM0055 on August 11, 2014 to authorize a modification to conditions of project approval regarding affordability restrictions, to redesign the site to accommodate recent water quality requirements, and to reconfigure Washington Street improvements on an undeveloped site located at the northwest corner of Golden Avenue and Washington Street; and

WHEREAS, Mitigated Negative Declaration ND07-06 was certified by the City Council on December 4, 2007 and found that the project would have no significant effect on the environment; and

WHEREAS, on December 4, 2007, the City Council approved Resolution Nos. 2755 and 2756 approving Tentative Map TM0055 and Planned Development Permit PDP06-013, authorizing 22 condominium units and the approval expires on December 4, 2016; and

WHEREAS, on August 25, 2014, a public hearing was duly noticed and held by the Planning Commission and the Planning Commission recommended that the City Council approve Planned Development Permit Modification PDP06-013M and Tentative Map Revision TM0055 with conditions of approval recommended by staff; and

WHEREAS, a public hearing was duly noticed and held by the City Council on September 16, 2014; and

WHEREAS, the City Council finds that the tentative map is consistent with the Lemon Grove General Plan because it proposes 22 condominium units at a density of 29 dwelling units per acre on a 0.76 acre parcel of land in the Medium/High Density Residential land use designation of the Lemon Grove General Plan which allows a maximum of 29 dwelling units per net acre; and

WHEREAS, the City Council finds that the tentative map complies with the findings of fact required to approve this project pursuant to Municipal Code Section 16.16.400 because the project complies with the time limitations of the State Subdivision Map Act; the existing lot is a legal lot; the proposed subdivision creates more than 5 lots; the proposed subdivision complies with the requirements of the Subdivision Ordinance; the map and design or improvements are consistent with applicable general and specific plans; the site is physically suitable for the type of development; and the site is physically suitable for the proposed density of development; and

WHEREAS, the City Council has considered said Tentative Map and recommendations of the Planning Department, City Engineer, and the Lemon Grove Fire Department with respect thereto and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, and improvement and design standards of the City of Lemon Grove; and

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WHEREAS, the City Council has considered Planned Development Permit Modification PDP06-013M including site, architectural, and landscape plans dated received August 11, 2014 associated with Tentative (condominium) Map Revision TM0055; and

WHEREAS, in accordance with Section 16.12.280, the City Council finds that it is impractical in this particular case for this subdivision to conform fully to the Design Standards of the Subdivision Ordinance because the Subdivision Ordinance does not account for condominium sized lots and waivers granted as part of the approval of this project are found to conform to the spirit and purpose of the Subdivision Map Act and of the Subdivision Ordinance of the Lemon Grove Municipal Code; and

WHEREAS, the City Council hereby makes the following findings:

1. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property has no environmentally protected resources as discussed in the Mitigated Negative Declaration; and
2. The proposed Tentative Subdivision Map Revision (TM0055) is consistent with the Residential Medium/High density (up to 29-dwelling units per net acre) land use designation of the Lemon Grove General Plan; and
3. The site is physically suitable for the proposed density of development because public utilities will be available to serve the proposed density; and
4. The design of the subdivision or the type of improvements will not cause serious public health problems because public services (e.g., sewer, water, gas, and electricity) will be provided to the subdivision; and
5. The design of the subdivision or type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision as defined under Section 66474 of the Government Code, State of California; and
6. The design and improvements of the proposed subdivision map complies with the requirements of the State Subdivision Map Act and the City of Lemon Grove Subdivision Ordinance except as specifically waived for the purpose of creating condominiums; and
7. The redesign of the project is consistent with the previous approved design and will not create an impact on the environment and therefore an update to Mitigated Negative Declaration ND07-06 will not be necessary; and

NOW, THEREFORE, BE IT RESOLVED that the [City Council] of the City of Lemon Grove, California hereby:

SECTION 1. Waives or modifies the following Design Standards in accordance with Section 16.12.280:

1. Section 16.12.220B (Minimum Lot Area of 6,000 sq. ft.) to allow 22 condominium lots with areas ranging from 896 sq. ft. to 1,124 sq. ft. and one common open space lot with an area of 10,872 sq. ft.
2. Section 16.12.220C (lots shall front on dedicated street) to allow 12 condominium lots to not front on a dedicated street.
3. Section 16.12.220D (Minimum Lot Width and Depth of 60 feet by 90 feet) to allow 22 condominium lots with minimum dimensions of less than 60 feet by 90 feet.

SECTION 2. Approves Tentative Map Revision TM0055 in association with Planned

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Development Permit Modification PDP06-013M and the grading, site, landscape, and architectural plans dated received August 11, 2014 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the subdivision of a 0.80 acre parcel into 22 condominium lots and one common lot on an undeveloped site at the northwest corner of Golden Avenue and Washington Street, Lemon Grove, California. Except as amended, the approval of this project shall be subject to the following conditions:

A. PRIOR TO RECORDATION OF A FINAL MAP:

1. The subdivider shall execute a Subdivision Improvement Agreement and a Subdivision Improvement Security in accordance with Section 16.12.200. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping, and retaining wall work proposed within the private property shall be submitted with the grading and improvement plans. A separate cost estimate shall be submitted for work proposed within the public right-of-way. Performance agreements and security equal to the approved cost estimates shall be posted for all the private and public improvements. Templates for these agreements are available from the City.
2. The subdivider shall provide easements for all proposed sewer facilities as required by the Lemon Grove Sanitation District. The location of the proposed sewer facilities shall be as required by the Lemon Grove Sanitation District.
3. A maintenance agreement for the private sewer shall be executed to the satisfaction of the City Engineer.
4. All grading permit fees and deposits shall be paid and all actions necessary preceding the issuance of the grading permit shall be completed.
5. The subdivider shall grant to the appropriate agency by recorded documents all required easements, specifically all on-site water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
6. The design and area of all lots and the design of the final map shall be in substantial conformance to that shown on the approved tentative map to the satisfaction of the Development Services Director.
7. The final map shall include the entire area shown on the tentative map and shall not be filed as units. Lot numbering and design on the final map shall be in substantial conformance to that shown on the approved tentative map.
8. The final map shall indicate that this project is a condominium development for twenty-two (22) dwelling units.
9. The final map shall cause the existing 15 foot road easement along the Washington Street frontage to be vacated and shall include a 12 foot dedication of right-of-way along the same frontage, as shown on the Tentative Map.
10. The subdivider shall comply with section 66436 of the Government Code by furnishing to the City Engineer a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: a) they have received from the developer a copy of the proposed final map; b) they object to/do not object to the filing of the map without their signature; c) in the case of a street dedication affected by their existing easement, they will sign a "subordination certification" or "joint-use certificate" on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the tentative map.

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11. The subdivider shall submit a title report for the property no more than 60 days in advance of the recordation of the Final Condominium Map to the City Engineer for review. The final map shall identify any easements indicated within the Title Report.
12. All plans and technical studies required to be submitted to Engineering Department for review and approval shall be prepared by a California Registered Professional Engineer or applicable utility provider.
13. For any work within the public right-of-way, the subdivider shall secure an encroachment permit to work within the City right-of-way and place a special deposit with the City to ensure that any damage to the existing roadway or other public improvements is repaired in a timely manner.
14. The subdivider shall provide easements for all proposed pedestrian access ways on-site not within the proposed common areas as required by the City Engineer.
15. The subdivider shall provide easements for the maintenance of all proposed landscaped areas on-site as required by the City Engineer.
16. Safety fencing shall be required at the top of the keystone retaining wall and westerly masonry retaining wall. Safety fencing shall be shown on all Grading Plans.
17. Execute a maintenance agreement for the on-going maintenance of access and landscape easements and off-street parking spaces.
18. All domestic water supplied for this subdivision shall come from the Helix Water District.
19. All buildings constructed in this subdivision shall be connected to the public sewer system of the Lemon Grove Sanitation District.
20. The subdivider shall provide the City Engineer with two reproducible Mylar copies of the final map for recordation.
21. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for review and shall be written to the satisfaction of the Development Services Director and the City Engineer. The CC&Rs shall include the requirements of the SUSMP approved for this project to the satisfaction of the Water Quality Program Coordinator, City Engineer, and Development Services Director and shall be recorded concurrent with the final map and shall include but not limited to the following:
 - a. Best Management Practices (BMP's) and a Private Driveway and Drainage Maintenance Agreement. The maintenance and the preservation of the natural drainage facilities shall be included in the CC&Rs. The Developer and Current and Future Property Owners shall adhere to the recommendations of the SUSMP and CC&Rs approved for this project.
 - b. HOA on-going maintenance of landscaping and irrigation (private and within public right-of-way) of slopes, parkways, open space and park areas as illustrated on an Exhibit A. This Exhibit A shall be included in the CC&Rs.
 - c. Immediate removal of graffiti and any other type of offensive debris is required.
 - d. All garage doors shall be automatic roll-up type doors and equipped with remote control devices.
 - e. All landscaping shall be well maintained in a healthy growing condition at all times in substantially the same condition as approved in accordance with the approved site and landscape plans (private and within public right-of-way as shown on Exhibit A).

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- f. The bioretention areas, underground storage pipes, and outlet structures identified in the Storm Water Management Plan (SWMP) and Hydro Modification Plan (HMP) shall be well maintained at all times. Any modifications to the bioretention areas shall require modifications to the SWMP and HMP and a review and approval by the City Engineer.
- g. Requirements to maintain the drainage facilities and any access easements (where they occur) on the property.
- h. All light fixtures shall be designed, shielded, and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
- i. The property shall comply with all performance standards relating to the generation of noise, glare, dust, and odor.
- j. Identify and implement the BMP's identified in the Standard Urban Stormwater Mitigation Plan (SUSMP) prepared for this project and state that the Developer and Current and Future Property Owners shall comply with the recommendations of the SUSMP prepared for this project to the satisfaction of the Water Quality Program Coordinator and the City Engineer.
- k. Funding of the long term maintenance of all facilities required by the SUSMP shall be included in the annual HOA budget.
- l. A long-term operation and maintenance program (OMP) shall be a requirement and the responsibility of the Homeowners' Association (HOA) to maintain. Funding for the program is required to be accounted for in the annual budget of the HOA.
- m. All garages shall be available for required off-street parking (18 foot wide by 19 foot deep interior clear space) at all times.
- n. No parking is permitted within the private drive aisle (driveway) or designated fire lane area at any time. Six designated unenclosed off-street parking spaces are provided on-site and parking on-site is only permitted within these six spaces and within the dwelling units' garages.
- o. All trash and recycling receptacles are required to be within the individual residences of the proposed condominium development at all times, except that one recycling container and one refuse container per dwelling unit is permitted directly outside of the individual dwelling unit's garage within eight hours of the trash pick-up times specified by EDCO waste and recycling company.
- p. Rooftop mechanical equipment, including but not limited to heating, air conditioning and ventilating equipment, shall be screened so that it may not be seen from the level of adjacent streets and sidewalks.
- q. The use of barbed wire or razor ribbon on any fences, gates, or walls is prohibited.
- r. Ongoing maintenance of the onsite private sewer is required.
- s. The CC&Rs shall clearly establish the responsibilities of the individual home owners and the HOA with regard to the continuing maintenance and preservation of the project.
- t. The CC&Rs shall specifically limit the number of dwelling units to twenty-two (22) on the site.
- u. The CC&Rs shall give the City the right but not the duty to enter the premises to do maintenance and levy assessments if the home owners fail or refuse to maintain said

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facilities, and shall forbid amendments to the CC&Rs without express written consent of the City.

- v. Common usable open space areas shall be well maintained at all times (e.g., bike racks, barbeques, tables, and landscape).

B. PRIOR TO ISSUANCE OF ANY GRADING AND IMPROVEMENT PERMIT:

1. All physical elements of the proposed project shown on the approved plans dated August 11, 2014 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes.
2. Execute a performance bond for all grading activities to the satisfaction of the City Engineer.
3. Execute a performance bond for all public improvements to the satisfaction of the City Engineer. If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the City Engineer to insure any damage to the existing roadway or other public improvements are repaired in a timely manner.
4. Submit and obtain approval of a Standard Urban Stormwater Mitigation Plan (SUSMP) and the Hydro Modification Plan (HMP) for the proposed project to the satisfaction of the Water Quality Program Coordinator and the City Engineer. The SUSMP and HMP shall be completed and approved prior to the issuance of any other permits.
5. The subdivider shall submit grading plans and a grading permit application to the City Engineer. Grading plans shall be prepared by a registered civil engineer and approved before or concurrently with the approval of the improvement plans. The developer shall submit an erosion and sediment control plan with Construction Best Management Practices (BMPs).
6. Obtain a grading permit from the City prior to any grading activities.
7. Obtain an encroachment permit for the installation of private facilities and/or for grading work in/or adjacent to the public right-of-way.
8. Submit and record an Encroachment Removal and Maintenance Agreement to be reviewed and approved by the City Engineer for the work along Washington Street and Golden Avenue within the City right-of-way or roadway easements, to include, but not be limited to: planters, landscaping and irrigation, sidewalks and driveway approaches. The use of non-standard improvements (stamped and stained concrete walkways) within the City right-of-way along Golden Avenue will be required to be reviewed and approved by the City Engineer as part of the Encroachment Maintenance and Removal Agreement.
9. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed development shall be implemented with the design of the grading. A private storm water treatment maintenance agreement shall be executed.
10. A public improvement plan shall be submitted (improvement plan check) showing all of the proposed and existing improvements within the public right-of-way. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. The subdivider shall submit record drawings (as-builts) and engineering documentation for all public improvements to the City to the satisfaction of the City Engineer (e.g., all streets, access and drainage easements, culverts, drainage structures

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and drainage channels). The Improvement Plan shall include the full width replacement of the pavement section on the Washington Street frontage, public improvements shown on the Grading Plan from the property to 110 feet north of the property along Washington Street, improvements shown on the Grading Plan along Golden Avenue within the City right-of-way and roadway easements, and other improvements incidental to the proposed street improvements as required by the City Engineer. Street alignments and grades, including the change of any existing or proposed street alignment and grade, shall be as required by the City Engineer.

11. A minimum Class III bike route shall be provided along the east side of Washington Street in accordance with the Bikeway Master Plan to the satisfaction of the City Engineer.
12. A fire hydrant shall be installed on Golden Avenue at the driveway entrance to the satisfaction of the Fire Department. Submit plans showing the size, type, and location of the required fire hydrant, minimum water supply pipe size, minimum turn radii and road width and all other requirements of the Fire Department. A note shall be placed on the construction plans stating that the hydrant shall be installed and in service prior to construction with combustible materials. A final inspection by the Fire Department shall be required to confirm compliance with this requirement.
13. The applicant shall submit sewer lateral plans with the improvement plans. These sewer lateral plans shall be submitted in digital format and as paper copies to the satisfaction of the City Engineer.
14. Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
15. A private Sewer Maintenance agreement shall be executed for the future repair and rehabilitation of the proposed private sewers. The City will provide the template for the agreement.
16. A letter of permission to grade will be required from the owner of the adjacent property owner within which storm drain work is proposed. The letter must acknowledge the work to be done, the date of the plan of work for which the letter is intended to cover, and be signed with notary attached.
17. An agreement not-to-oppose the formation of a future utility undergrounding district will be required to be submitted and recorded.
18. The subdivider shall provide proof satisfactory to the director of public health that there exists an adequate potable water supply available to each lot or parcel, and that the subdivider install or agree to install water supply pipes of a minimum six inches in diameter, provided that the City Engineer may require such other diameter of water supply pipe as may be recommended by Helix Water District.
19. All new utility distribution facilities, including cable television lines, within the boundaries of any new subdivision or within any half street abutting a new subdivision shall be placed underground. The subdivider shall coordinate with the necessary cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground unless directed otherwise by the City Engineer. All proposed structures on the subject property shall connect to the utility systems via underground systems.
20. The subdivider shall construct or shall cause to be constructed, at his/her cost, a street lighting system conforming to City standards.

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21. Sight distance requirements at all intersections shall conform to the intersectional sight distance criteria as provided to the American Association of State Highway Officials in the publication "Geometric Design for Local Roads and Streets 1971" or as revised.
 22. All public streets curb return radii shall be a minimum radius acceptable to the City of Lemon Grove Fire Chief and City Engineer.
 23. The improvement plans shall include a detail of the curb outlet to the satisfaction of the City Engineer.
 24. The subdivider shall provide the City Engineer with letters from the serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels created.
 25. Obtain sewer permits and pay capacity fees for 22 units.
 26. The subdivider shall prepare construction plans and construct drainage facilities in accordance with the Drainage and Hydrology Study prepared for the project and to the satisfaction of the City Engineer. On-site drainage shall be in compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
 27. Building permits shall be submitted with the grading plans for retaining walls where required.
 28. Submit a truck routing plan for grading activities concurrent with the submittal of the grading plan and grading permit application if required by the City Engineer.
 29. The developer/owner shall submit an erosion control plan and irrigation plan with a sediment control plan to the satisfaction of the City Engineer.
 30. A deposit for the initial operation costs expended by the Lighting District for the subject property shall be submitted until the condominium lots are placed on the Tax Assessor's yearly statement.
 31. As-built drawings shall be submitted to SDG&E to energize all of the required street lights.
 32. A formal written request to add street lights to the Lemon Grove Lighting District shall be submitted to the City of Lemon Grove Lighting District prior to permanent energizing.
- C. DURING GRADING ACTIVITIES AND PRIOR TO FINAL GRADING PERMIT APPROVAL:
1. All property corners of the parcel of the lot shall be monumented with three-fourths (.75) inch [interior diameter] iron pipe with lead plug and copper identification disks at least 18 inches long and to the satisfaction of the Development Services Director. Alternatively, applicant may enter into a secured agreement to install monumentation prior to final map recordation or occupancy.
 2. The bioretention areas, underground storage pipes, and outlet structures identified in the Storm Water Management Plan (SWMP) and Hydro Modification Plan (HMP) shall be installed. Any modifications to the bioretention areas shall require modifications to the SWMP and HMP and review and approval by the City Engineer.
 3. A final soils engineering report shall be submitted for the Engineering Department's review. In addition to verifying the preliminary soils report, the final soils report shall address the adequacy of the building pads, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways.

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4. The structural pavement section for the private driveways located on the subject property shall be based on the soils report prepared by a Geotechnical Engineer to the satisfaction of the City Engineer.
5. The development and preparation of the site shall conform to the soils and geotechnical reports submitted to the City.
6. Grade streets to grades and widths required by the City standards.
7. The installation of gas, electric, sewer, and water lines and any other below surface utilities is required to take place before the installation of any concrete curbs, gutters, sidewalks, and surfacing of the streets (including repair or replacement).
8. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
9. The developer/owner shall be required to repair and/or replace any damaged public improvements fronting the project.
10. Provide the City with a final drainage/hydrology report/letter indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit.
11. The contractor/permittee conducting any earth moving operation shall be responsible for controlling dust created by its grading operation or activities at all times.
12. A pad certification and compaction report shall be submitted to the City for review and approval prior to applicant request for final inspection on the grading permit. Provide the City with, upon completion of the grading, a compaction report from the geotechnical firm and a letter from a licensed civil engineer that the grading and elevations of the pad were done in accordance with the approved grading plans and prior to the issuance of building plans.
13. A full-time paleontologist shall monitor grading and excavation activities, including utility trenching, etc., at all times when the Mission Valley formation potentially may be disturbed. The mitigation program shall be consistent with the provisions of the California Environmental Quality Act (CEQA), regulations currently implemented by the City of Lemon Grove, and proposed guidelines of the Society of Vertebrate Paleontology as follows:
 - a. A qualified paleontologist or other professional with cultural resource knowledge shall be present at the pre-grading meeting to consult with the grading and excavation contractors. A qualified paleontologist is defined as an individual with a Bachelor's or higher degree in paleontology or geology experienced in pale ontological techniques and procedures. Evidence that the professional has been contracted for this work shall be submitted to the City prior to issuance of a grading permit.
 - b. A qualified paleontologist or other professional with cultural resource knowledge shall be present at all times during the original cutting of previously undisturbed sediments of the Mission Valley Formation. These monitors shall inspect any excavation which exposes sediments of the Mission Valley Formation. Said monitors shall salvage remains as they are uncovered.
 - c. The paleontologist or other professional with cultural resource knowledge shall be allowed to temporarily direct, divert or halt grading to allow recovery of fossil and artifact remains.

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- d. The paleontologist or other professional with cultural resource knowledge shall document the stratigraphic and geologic context of salvaged fossil and artifact remains.
 - e. The paleontologist or other professional with cultural resource knowledge shall clean, repair, and sort salvaged fossils and artifacts for eventual donation.
 - f. Prior to final inspection a report shall be prepared summarizing the results of the mitigation program and submitted to the Development Services Director. This report will include a discussion of methods employed, fossils and artifacts recovered, geologic context of fossil and artifact remains and the significance of the mitigation program.
 - g. All curated fossil and artifact specimens shall be donated to an institution with a proven history of professional, long term care and storage of paleontologic and archaeological collections, such as the San Diego Natural History Museum.
- D. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT MODIFICATION PDP06-013M:
- 1. All physical elements of the proposed project shown on the approved plans dated August 11, 2014 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes
 - 2. The CC&Rs shall be recorded.
 - 3. Each dwelling unit of the proposed subdivision shall be designed to be connected to a sewer of the Lemon Grove Sanitation District.
 - 4. Backflow prevention devices for private building sewers shall be required pursuant to Section 710.0 of the CBC (2000 UPC).
 - 5. Certification that the as-built grading is consistent with Municipal Code Section 18.08.380 shall be submitted.
 - 6. The project shall comply with all applicable provisions of the California Fire Code and the California Building Code.
- E. PRIOR TO FINAL APPROVAL OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT MODIFICATION PDP06-013M:
- 1. All physical elements of the proposed project shown on the approved plans dated August 11, 2014 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes
 - 2. Construct the public improvements along Golden Avenue and Washington Street as proposed in the Improvement and Landscape Plans to the satisfaction of the City Engineer.
 - 3. Provide the City with, upon completion of the paving, a letter from the geotechnical firm or a licensed civil engineer that the structural pavement section was constructed in accordance with the geotechnical report prior to the issuance of final occupancy.
 - 4. All fire access gates shall be provided with approved key operating switches and traffic control strobe activating sensors.
 - 5. Install the proposed street lights to the satisfaction of the City Engineer. Contact SDG&E for installation and billing requirements.

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6. Install and maintain underground storage pipes and outlet structures proposed in the Hydro Modification Plan (HMP) dated June 9, 2014.
- F. UPON ESTABLISHMENT OF USE IN RELIANCE WITH TENTATIVE MAP REVISION:
1. Comply with all of the Conditions of this resolution and the requirements of PDP06-013M.
 2. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements and stamped and stained concrete sidewalks installed within the public right-of-way (along both Golden Avenue and Washington Street). Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall remove and relocate all irrigation or concrete items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.
 3. The proposed onsite sewer shall be privately owned and maintained.
 4. Proper drainage shall be maintained throughout this subdivision as to prevent ponding and/or storage of surface water and shall be in compliance with the National Pollutant Discharge Elimination System (NPDES) permit to the satisfaction of the City Engineer.
 5. The City approved CC&Rs shall be abided by at all times.
- G. This approval of this tentative map will expire two years from the date of approval or such longer period as may be extended by State Law. The final map or maps conforming to this conditionally approved tentative map shall be filed with the City Council in time so that said Council may approve the map before this approval expires; unless prior to that date, the Planning Commission or City Council subsequently grants a one-year time extension for obtaining such approval of said final map or maps as provided by the City Subdivision Ordinance.
- H. The terms and conditions of the Tentative Map shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Tentative Map and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts. |

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RESOLUTION NO. | |

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING PLANNED DEVELOPMENT PERMIT MODIFICATION PDP06-013M AUTHORIZING THE DEVELOPMENT OF A TWENTY-TWO UNIT CONDOMINIUM PROJECT ON A 0.80 ACRE UNDEVELOPED SITE AT THE NORTHWEST CORNER OF GOLDEN AVENUE AND WASHINGTON STREET, LEMON GROVE, CALIFORNIA

WHEREAS, the applicant, Carlos Garbiras of Golden Doors Development, filed a complete application for a Planned Development Permit Modification PDP06-013M and a Tentative Map Revision TM0055 on August 11, 2014 to authorize a modification to conditions of project approval regarding affordability restrictions, to redesign the site to accommodate recent water quality requirements, and to reconfigure Washington Street improvements on an undeveloped site located at the northwest corner of Golden Avenue and Washington Street; and

WHEREAS, Mitigated Negative Declaration ND07-06 was certified by the City Council on December 4, 2007 and found that the project would have no significant effect on the environment; and

WHEREAS, on December 4, 2007, the City Council approved Resolution Nos. 2755 and 2756 approving Tentative Map TM0055 and Planned Development Permit PDP06-013 authorizing 22 condominium units and the approval expires on December 4, 2016 due to automatic extensions for subdivisions mandated by State Law; and

WHEREAS, on August 25, 2014, a public hearing was duly noticed and held by the Planning Commission and the Planning Commission recommended that the City Council approve Planned Development Permit Modification PDP06-013M and Tentative Map Revision TM0055 with conditions of approval recommended by staff; and

WHEREAS, a public hearing was duly noticed and held by the City Council on September 16, 2014; and

WHEREAS, the City Council has determined that the following Planned Development Permit findings of fact, as required by Section 17.28.030(C), can be made as follows:

1. That the development is not detrimental to the public interest, health, safety, or general welfare.
 - a. This City Council finds that the design of the proposed project complies, or will be made to comply with all of the applicable requirements of the City Zoning Ordinance relating to public safety and no such detriment should occur.
2. That the development complies with applicable provisions of the Zoning Ordinance (Title 17) and/or deviations that comply with applicable provisions in subsection D of the Planned Development Permit regulations (Section 17.28.030).
 - a. This City Council finds that the proposed project complies with, or conditions have been included for this project to require it comply with the Zoning Ordinance requirements relating to off-street parking, screening, and landscaping and waivers or modifications to the minimum lot area, width, and depth, setbacks, usable open space, and landscape requirements are offset by the provision of enhanced pedestrian and bicycle improvements and recreational/outdoor amenities.
3. That the development is consistent with general plan policies and standards and other

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applicable plans or policies adopted by the City Council.

- a. This City Council finds that the planned development is consistent with the Lemon Grove General Plan policies and standards because the General Plan allows multi-family development at the form and scale proposed; and
4. That the development density or intensity does not exceed general plan limitations.
 - a. This City Council finds that the planned development is consistent with the Lemon Grove General Plan because it proposes 22 condominium units at a density of 29 dwelling units per acre on a 0.76 acre parcel of land in the Medium/High Density Residential land use designation of the Lemon Grove General Plan which allows a multi-family development with a maximum of 29 dwelling units per net acre; and
5. That the existing infrastructure such as utilities, transportation systems, and communications networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.
 - a. This City Council finds that public improvements proposed on Golden Avenue and Washington Street allow for safe circulation of pedestrian, bicyclists, and motor vehicles and improves the general welfare of the community; and

WHEREAS, the City Council has determined that the following deviations, waivers, or modifications as permitted by the Planned Development Permit regulations (Section 17.28.030D) are adequately offset by enhanced pedestrian and bicycle improvements and recreational/outdoor amenities:

1. A waiver of Section 17.16.040D4 (Minimum Yards) to allow reductions in all setbacks for the purpose of creating 22 condominium sized lots and to allow reductions in the street side setback (10 feet is required, two to five feet is proposed) and the front setback (25 feet is required, 6.6 feet is proposed); and
2. A waiver of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The Development Code requires 500 square feet of usable open space per dwelling unit, resulting in a total of 11,000 square feet of required usable open space. The project provides 7,605 sq. ft. of usable open space, which results in an open space reduction of 3,395 sq. ft.; and
3. A waiver of Section 17.24.050 (Screening) to allow the pedestrian and vehicular gates and fences within the front and street side yard setback area to exceed the maximum height of three and one-half feet, but not to exceed six feet, because the developer wishes to provide added privacy and security to the residents of the proposed project. The Sheriff's Crime Prevention Specialist encouraged the use of screened security devices such as the pedestrian and vehicular gates proposed to prohibit access from the transient population in the area and to alleviate trespassing onto the property; and
4. A waiver to Section 17.24.050B1 (Landscaping) to allow a reduction in the amount of landscape required. The Development Code requires 15 percent of the net lot area to be landscaped or 4,967 sq. ft. of required landscape. The project provides 4,165 sq. ft. or 13 percent of net lot area proposed, which results in a landscape reduction of 892 sq. ft. or two percent.

WHEREAS, the City Council has considered Tentative Map Revision TM0055 including grading plans dated received August 11, 2014 associated with Planned Development Permit PDP06-013M; and |

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

SECTION 1. Waives or modifies the following Development Standards in accordance with Section 17.28.030D (Deviations):

1. A waiver of Section 17.16.040D4 (Minimum Yards) to allow reductions in all setbacks for the purpose of creating 22 condominium sized lots and to allow reductions in the street side setback (10 feet is required, two to five feet is proposed) and the front setback (25 feet is required, 6.6 feet is proposed); and
2. A waiver of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The project provides 7,605 sq. ft. of usable open space, which results in an open space reduction of 3,395 sq. ft.; and
3. A waiver of Section 17.24.050 (Screening) to allow the pedestrian and vehicular gates and fences within the front and street side yard setback area to exceed the maximum height of three and one-half feet, but not to exceed six feet, because the developer wishes to provide added privacy and security to the residents of the proposed project; and
4. A waiver to Section 17.24.050B1 (Landscaping) to allow a reduction in the amount of landscape provided. The project provides 4,165 sq. ft. or 13 percent of net lot area proposed, which results in a landscape reduction of 892 sq. ft. or two percent.

SECTION 2. Approves Planned Development Permit Modification PDP06-013M in conjunction with Tentative Map Revision TM0055 and the grading, site, landscape, and architectural plans dated received August 11, 2014 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the development of a 0.80 acre parcel into 22 condominium units with associated common area improvements on an undeveloped site at the northwest corner of Golden Avenue and Washington Street, Lemon Grove, California. Except as amended, the approval of this project shall be subject to the following conditions:

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT MODIFICATION PDP06-013M:

1. All physical elements of the proposed project shown on the approved plans dated August 11, 2014 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes.
2. Pay parkland fees, school fees, Helix Water District Capacity fees, Regional Transportation Congestion Improvement Program (RTCIP) fees, sewer connection fees, and other applicable development fees.
3. Record the Final (Condominium) Map for TM0055 unless otherwise determined by the Development Services Director.
4. All garage doors shall be equipped with an automatic roll-up garage door and remote control.
5. Submit a landscape documentation package in compliance with Chapter 18.44. The documentation package shall include a detailed landscape and irrigation plan for the entire project. Provide reference sheets for the grading and landscape erosion control plans. The plan shall indicate all surface improvements including but not limited to the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments. Said landscape plan

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shall comply with the requirements of Section 17.24.050(B) and Chapter 18.44 of the Municipal Code. The landscape plan shall be in substantial conformance to the approved landscape concept plan.

6. The building plans for the proposed condominium units shall include a color and materials board to the satisfaction of the Development Services Director.
 7. All dwelling units shall comply with the interior noise level requirements of California Code Title 24.
 8. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 9. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
 10. Each dwelling unit in the development shall be protected with an approved automatic fire suppression sprinkler system to the satisfaction of the Fire Marshal.
 11. The private driveway is to be designated as a Fire Lane. Fire lanes (20-foot clear with no parking) and fire lane markings shall be provided to the satisfaction of the Lemon Grove Fire Department along the private vehicular driveway within the project. The fire lane will be designated per City Fire Department standards and shall be marked and posted "No Parking-Fire Lane" and the curb shall be painted red to the satisfaction of the City of Lemon Grove Fire District. A final inspection by the Fire Department shall be required to confirm compliance with this requirement prior to the construction with combustible materials and final occupancy.
 12. All access roadways and driveways shall maintain a minimum vertical clearance of 13'-6" to the satisfaction of the Fire Marshal.
 13. The project shall comply with all applicable provisions of the California Fire Code and the California Building Code.
- B. PRIOR TO FINAL APPROVAL OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT MODIFICATION PDP06-013M:
1. All physical elements of the proposed project shown on the approved plans dated August 11, 2014 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes.
 2. The color pallete shall be consistent with the conceptual drawing on the approved plans dated August 11, 2014 and the color and materials board to the satisfaction of the Development Services Director.
- C. UPON ESTABLISHMENT OF USE IN RELIANCE WITH TENTATIVE MAP REVISION:
1. Comply with all of the Conditions of this resolution and the requirements of TM0055, as applicable.
 2. The City approved CC&Rs shall be abided by at all times.
 3. All landscaping shall be well maintained and adequately watered at all times. The landscaping located on the subject property shall be maintained in a healthy and growing condition at all times. All on-site & off-site landscaped areas shall be planted and irrigated by a permanent irrigation system.
 4. The proposed facility shall fully comply with the requirements of the California Fire Code to the satisfaction of the Fire Chief.

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5. All screening fences, and walls on the subject property shall be maintained in good condition at all times.
 6. All light fixtures shall be designed, shielded, and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 7. All graffiti shall be removed or painted over with a paint that closely matches the color of the exterior of the building within 48 hours of the discovery of the graffiti.
 8. Any deviations proposed from the approved plans relating to the construction of facilities and maintenance of improvements shall substantially conform to the approved plans dated August 11, 2014 to the satisfaction of the Development Services Department.
- D. This approval of this Planned Development Permit will expire two years from the date of approval or such longer period as may be extended by State Law (the Planned Development Permit will be extended automatically with any extensions required of Tentative Map TM0055 in accordance with State Law). The final map or maps conforming to this conditionally approved tentative map shall be filed with the City Council in time so that said Council may approve the map before this approval expires; unless prior to that date, the Planning Commission or City Council subsequently grants a one-year time extension for obtaining such approval of said final map or maps as provided by the City Subdivision Ordinance.
- E. The terms and conditions of the Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.]

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City of Lemon Grove
Community Development Department

Mitigated Negative Declaration

Project Title: TM0055 / PDP06-013-Brencick Condominiums; Log ND07-06; 0.75 acres.

Applicant: Mark Brenckick, 9555 Genesee Ave., # 200, San Diego, CA 92121, (858) 587-8070.

Project Location: On 0.75 acres of land located on the northwest corner of Golden Ave. and Washington St. in the City of Lemon Grove, 91945, County of San Diego. A.P.N.: 480-132-15-00.

Project Description: This project is a request for a Tentative (Condominium) Map (TM0055) and Planned Development Permit (PDP06-013) to authorize the development of a 32,670 square foot (0.75 acre) parcel of land with a 22-unit residential condominium development consisting of two separate three story buildings and including off-street parking, landscaping and screening. The project proposes three units restricted to moderate income residents in exchange for a five percent density bonus and one incentive reducing the setback requirements. The proposed project is located in the Medium-High Density Residential land use designation of the Lemon Grove General Plan and the Residential Medium-High (RM/H) zone within the City of Lemon Grove.

General Location: North of Golden Ave., west of Washington St., east of Kempf St. and south of Broadway.

COMMUNITY DEVELOPMENT DEPARTMENT DETERMINATION:

On the basis of the initial environmental study prepared for TM0055/PDP06-013, it has been determined that the project could not have a significant effect on the environment and an Environmental Impact Report need not be prepared pursuant to City of Lemon Grove procedures for Environmental Review because potential significant impacts will be mitigated.

Mitigation Measures: 1) The project proponent shall conduct a cultural resources records search and a Sacred Lands File search. 2) A qualified paleontologist, archaeologist, and Native American cultural resource specialist shall monitor, document and report on the excavation of the Mission Valley Formation on the subject property and shall collect and restore artifacts to be donated to the appropriate historical societies.



Robert W. Larkins
Community Development Director

January 29, 2008
Date

Adopted by the City of Lemon Grove Planning Commission on June 25, 2007 and the City of Lemon Grove City Council on December 4, 2007.

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ENVIRONMENTAL CHECKLIST FORM CITY OF LEMON GROVE COMMUNITY DEVELOPMENT DEPARTMENT ENVIRONMENTAL ASSESSMENT NO. ND07-06

1. **Project Title:** Tentative Subdivision (condominium) Map TM0055/Planned Development Permit (PDP06-013) Brencick Condominiums
2. **Lead Agency Name and Address:** City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945
3. **Contact Person and Phone Number:** David De Vries, Associate Planner
(619) 825-3805 ext. 3926
4. **Project Location:** Northwest corner of Golden Ave. and Washington St.,
Lemon Grove, CA 91945

Assessor's Parcel Number: 480-132-15-00
5. **Project Sponsor's Name and Address:** Mark Brencick, Landmark Consulting,
9555 Genesee Ave., Suite 200, San Diego, CA 92121. **Phone:** (858) 587-8070
6. **General Plan Designation:** The subject property is designated as Residential Medium/High density (14.1 to 29 dwelling units per acre) on the Land Use Element of the General Plan.
7. **Zoning:** The subject property is located in the Residential Medium/High density (RM/H) zone.
8. **Description of the Project:** The proposed project is a request for a Tentative Subdivision (condominium) Map TM0055 and Planned Development Permit (PDP06-013) to authorize the development of a 32,670 square foot (0.75 acre) parcel of land with a 22 unit residential condominium development consisting of 2 separate three story buildings and including off-street parking, landscaping and screening. The project proposes three units restricted to moderate income residents in exchange for a five percent density bonus and one incentive reducing the setback requirements.
9. **Surrounding Land Uses and Setting:** The subject parcel is located on the northwest corner of Golden Ave and Washington St. To the north; retail sales and service commercial uses; to the south, east and west, single- and multi-family residential land uses.
10. **Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement):** None

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors highlighted below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Hazards & Hazardous Materials		Public Services
	Agricultural Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
X	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

_____ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

XX I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

_____ I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

_____ I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but a least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addresses.

_____ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in and earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on the project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particularly physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact”. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, “Earlier Analysis”, may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR or other CEQA process, and effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effect were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated” describe the mitigation measures which were incorporated or refined from the earlier document and extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances, etc.). Reference to a previously prepared or outside document should where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: a source list should be attached and other sources used or individuals contacted should be cited in the discussion.

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8. This is only a suggested form and lead agencies are free to use different formats: however, lead agencies should normally address the questions from this checklist that relevant to the project's environmental effects in whatever format is selected.
9. The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

ISSUES AND SUPPORTING INFORMATION

1. **AESTHETICS.** Would the Project:
 - a) Have a substantial adverse effect on a scenic vista?
 - b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic?
 - c) Substantially degrade the existing visual character or quality of the site and its surroundings?
 - d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The subject property is not located in or near a scenic vista or scenic highway. The site is currently vacant. A few mature trees exist onsite that are proposed to be removed. The proposed project is multi-family residential in nature in an area developed with single and multi-family residential uses and will not damage any scenic resources. The project is proposed to be built at a height permitted by the General Plan and the development standards of the Zoning Ordinance. The project proposes three units restricted to moderate income residents in exchange for a five percent density bonus and one incentive reducing the setback requirements.

Source: 1, 2

2. **AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:
 - a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
 - b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
 - c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

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Discussion:

The project is located within a developed suburban residential area. The property is not located in an area used for agricultural purposes and no such impacts will occur.

Source: 1, 2

3. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:
- a) Conflict with or obstruct implementation of the applicable air quality plan?
 - b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
 - c) Results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under any applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors?
 - d) Expose sensitive receptors to substantial pollutant concentrations?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The site is currently vacant. The project is the proposed development of twenty-two multi-family residential units within a developed suburban area. The project may result in a very slight increase in traffic and no significant impact on air resources is likely to occur. While the proposed project may result in a slight increase in vehicular traffic and a slight increase in air quality impacts to the region, the MEIR for the City of Lemon Grove's General Plan anticipates air quality impacts associated with the build out of Lemon Grove but not to a level of significance. The cumulative air quality impacts will remain significant and unmitigated. However, this project is not considered to result in a cumulatively considerable net increase of any criteria pollutant. Standard conditions of project approval will require the control of dust during site grading and construction.

Source: 1, 2

4. **BIOLOGICAL RESOURCES.** Would the project:
- a) Have a substantial adverse effect either directly or through habitat modifications on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of fish and Game or U.S. Fish and Wildlife service?
 - b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plan, policies, regulations or by the California Department of Fish and Game or U.S. Wildlife service?
 - c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to march vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
 - d) Interfere substantially with the movement of any resident, migratory wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?
 - e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan and other approved local, regional, or state habitat conservation plan?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion: The subject property is currently vacant and located in a developed suburban area consisting of single and multi-family residential land uses. The MEIR for the City of Lemon Grove's General Plan confirms there are no known sensitive biological resources, riparian habitat or wetlands on the subject property.

Source: 1, 2

5. CULTURAL RESOURCES. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
d) Disturb any human remains, including those interred outside of formal cemeteries?

☐ Potentially significant Impact
☒ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

Discussion: The subject property is currently vacant. There are no known cultural resources located on the property. There are no known human remains or those interred outside of formal cemeteries on the subject property or in the surrounding area. The site is underlain by the Mission Valley formation which is known to contain paleontologic resources. The geotechnical investigation prepared for this project determined that grading and trenching of the project site will impact the Mission Valley formation. In order to mitigate any impacts that grading may cause to paleontologic and archaeological resources the following conditions will be included in the project approval requiring: 1) The project proponent shall conduct a cultural resources records search and a Sacred Lands File search of the project area to determine if there is likelihood for on-site Native American cultural resources. A copy of a letter regarding the records search shall be provided to the Community Development Department prior to issuance of grading or improvement permits. The report shall provide recommendations for further analysis and those recommendations shall be implemented as a part of the mitigation measures. 2) A qualified paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall be present at the pre-grading meeting to consult with the grading and excavation contractors. A qualified paleontologist is defined as an individual with a Bachelor's or higher degree in paleontology or geology experienced in pale ontological techniques and procedures. 3) A qualified paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall be present at all times during the original cutting of previously undisturbed sediments of the Mission Valley Formation. These monitors shall inspect an excavation which exposes sediments of the Mission Valley Formation. Said monitors shall salvage remains as they are uncovered. 4) The paleontologist, archaeologist,

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and culturally affiliated Native American with cultural resource knowledge shall be allowed to temporarily direct, divert or halt grading to allow recovery of fossil and artifact remains. 5) The paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall document the stratigraphic and geologic context of salvaged fossil and artifact remains. 6) The paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall clean, repair and sort salvaged fossils and artifacts for eventual donation. 7) Prior to final inspection a report shall be prepared summarizing the results of the mitigation program and submitted to the City of Lemon Grove Community Development Director. This report will include a discussion of methods employed, fossils and artifacts recovered, geologic context of fossil and artifact remains and the significance of the mitigation program. 8) Donate all curated fossil and artifact specimens to an institution with a proven history of professional, long term care and storage of paleontologic and archaeological collections, such as the San Diego Natural History Museum.

Source: 1, 2, 5

6. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on the other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (ii) Strong seismic ground shaking? (iii) Seismic-related ground failure, including liquefaction? (iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d) Locate on the expansive soil, as defined in Table 18-I-b of the Uniform Building Code (1997), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion: The subject property is currently vacant and is to be developed as a twenty-two unit multiple residential condominium project. The structures will be required to comply with the current seismic requirements of the California Building Code. Like most urban areas in Southern California, Lemon Grove is subject to earthquakes. The project site is not located in an Earthquake Fault Zone according to the Alquist-Priolo Earthquake Fault Zoning Act and no active faults or ground ruptures have been mapped underlying the site or within the City of Lemon Grove. Active regional faults may cause ground shaking in Lemon Grove. There are no known unstable soils in the area of the subject property. Typical erosion control measures will be required during site grading. The subject property is connected to the Lemon Grove municipal sewer system.

Source: 1, 2, 5

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- 7. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:
- a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?
 - b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?
 - c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
 - d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and , as a result would it create a significant hazard to the public or the environment?
 - e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the area?
 - f) For a project within the vicinity of a private airstrip would the project result in a safety hazard for people resident or working in the project area?
 - g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?
 - h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas, or where residences are intermixed with wildlands?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

The site is to be developed as a twenty-two unit multiple residential project and will not create a hazardous environment through the use or transport of hazardous materials. There are no known hazardous material sites within the city.

The site is not located within an airport land use plan or within two miles of a public airport or public use airport and no such detriment should occur.

The proposed project will not impair implementation of or physically interfere with any emergency response plan or evacuation plan because the project design and access has been reviewed and approved by the Fire Department.

The project is located within an urbanized area and there are no wild lands located within the vicinity of the subject property.

Source: 1, 2

- 8. HYDROLOGY AND WATER QUALITY.** Would the project:
- a) Violate any water quality standards or waste discharge requirements?
 - b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level ((e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

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- c) Substantially alter existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would resulting a substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of surface runoff in a manner which would resulting flooding on- or off-site.
- e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- f) Otherwise substantially degrade water quality?
- g) Place housing within a 100-year floodplain on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i) Expose people or structures to significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

The existing site is vacant and is to be developed as a twenty-two unit multiple residential condominium project. The design of the project has been reviewed by the City of Lemon Grove Engineering Department in order to assess the need for drainage improvements which have been included into the design of the project. The subject property is not located within a flood zone and is not subject to flooding.

Source: 1, 2, 4

- 9. LAND USE PLANNING.** Would the project:
- a) Physically divide an established community?
 - b) Conflict with an applicable land use plan, policy or regulation of agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating environmental effect?
 - c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

The project proposes the development of a vacant property as a twenty-two unit multiple residential condominium development and will not divide the community. The proposed project is consistent with the Residential Medium/High density General Plan land use designation of the subject property.

Source: 1, 2

10. MINERAL RESOURCES. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

There are no known mineral resources of value located within the City of Lemon Grove.

Source: 1, 2

11. NOISE. Would the project:

- a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?
- c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) Result in a substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public use airport, would the project expose people residing or working in the area to excessive noise levels?
- f) For a project within vicinity of a private airstrip would the project expose people residing or working in the project area to excessive noise levels?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The proposed project which is multi-family residential in nature will not introduce significant noise sources in the vicinity that are inconsistent with the existing residential development of the area.

The MEIR prepared for the 1996 General Plan indicates that the subject property is located within an area encompassing 60 db CNEL noise levels or less. The MEIR states that projects with existing noise levels below 60 db CNEL is normally acceptable or satisfactory for the area and no conditions are required. The General Plan requires noise studies only for projects exceeding 60 db CNEL. This project proposes to maintain interior noise levels at 45 db CNEL or less as required by Title 24 of the California Building Code and the Lemon Grove General Plan.

The subject property is not located within the vicinity of a private airstrip or public airport.

Source: 1, 2

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12. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing units elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

The project will not induce substantial population growth in the vicinity because it proposes the construction of twenty-two multi-family residential condominiums in a built out suburban area. The project will not induce substantial population growth because the surrounding area is currently developed and the redevelopment costs are infeasible compared to developing elsewhere in the County. The project does not displace existing housing units or numbers of people. The subject property is located within the City Of Lemon Grove Redevelopment Area and is required to provide at least 15 percent of the total number of units (a minimum of two dwelling units) as affordable units. The City of Lemon Grove Redevelopment Agency and the developer have agreed to provide three dwelling units at the moderate income level in response to this requirement.

Source: 1, 2

13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection?
- b) Police protection?
- c) Schools?
- d) Parks?
- e) Other public facilities?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The proposed project consists of the development of a twenty-two unit multi-family residential condominium project and will not result in a significant increase in the demand for public services and facilities. The Fire Department, EDCO disposal service, Helix Water District, the Lemon Grove Sanitation District and the Sheriff's Department have reviewed the proposed project and determined that existing services are adequate to serve the increase in households proposed by the project.

Source: 1, 2

14. RECREATION. Would the project:

- a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The proposed project consists of the development of a twenty-two unit multi-family residential condominium project and will not likely cause a significant increase in the demand on recreational services in the community. Standard conditions of approval require the developer to pay a Parkland dedication in lieu fee for each proposed dwelling unit.

Source: 1, 2

15. TRANSPORTATION/TRAFFIC. Would the project:

- a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., resulting a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?
- b) Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways?
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?
- d) Substantially increase hazards to a design feature (e.g. sharp curves or dangerous intersection) or incompatible uses (e.g. farm equipment)?
- e) Result in inadequate emergency access?
- f) Result in inadequate parking capacity?
- g) Conflict with adopted policies or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The project proposes the construction of twenty-two multi-family residential dwelling units and will generate approximately 200 vehicular trips per day. Golden Ave. is a residential collector and the increased density within the area was anticipated. Washington St. is a Class III Collector and has approximately 3,000-5,000 vehicular trips per day. Washington St. operates at an adequate Level of Service (LOS C or below) if there are less than 7,500 vehicular trips per day and thus the proposed project will not create an inadequate Level of Service (LOS) in the immediate area. The Fire Department and Engineering Department have determined that the

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access driveway is adequate to provide access for the proposed project and emergency vehicles.

Source: 1, 2

16. UTILITIES AND SERVICE SYSTEMS. Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with the federal, state, and local statutes and regulations related to solid waste?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The subject property is served by the City of Lemon Grove Sanitation District. The proposed project will not result in a substantial increase in the demand for sanitary services. Standard conditions of project approval will require that the project obtain sewer permits, pay sewer service and connection fees and connect to the Sanitation District.

The proposed project will not result in a significant increase in demand for domestic water supplies. Standard conditions of project approval will require that the project obtain water service permits, pay water service and connection fees and connect to the Helix Water District.

The proposed project will not result in a substantial increase in the generation of solid waste. The project will be required to comply with all federal, state and local statutes and regulations regarding solid waste.

Source: 1, 2

17. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

☐ Potentially significant Impact

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☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The proposed project will not degrade the quality of the environment because it is located in an area that is built out with single and multi-family residential land uses in a developed suburban community. The development of the site does not support or influence critical habitat or sensitive vegetation or wildlife and there are no examples of California history or prehistory onsite.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively Considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The project will result in a slight increase in the number of residents located within a suburban community and will not have impacts that are cumulatively considerable.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

The proposed project is the development of a vacant 0.75 acre property with twenty-two multi-family residential condominiums and the project will not cause a substantial adverse effect on human beings.

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In view of the above analysis, it is determined that the project will not have a significant impact on the environment and an environmental impact report is not required.

EARLIER ANALYSIS

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (c) (3) (D).

Earlier Documents prepared and utilized in this analysis are listed below. All of the documents are available at the City of Lemon Grove, Community Development Department, 3232 Main Street, Lemon Grove.

<u>Reference #</u>	<u>Document Title</u>
1.	City of Lemon Grove General Plan
2.	Master Environmental Impact Report for the General Plan
3.	City of Lemon Grove Municipal Code
4.	Firm Insurance Rate Map Community Panel No. 06073C1908F June 19, 1997
5.	Soils Report, TM0055/PDP06-013 by SCST, Inc.

Individuals and Organizations Consulted

Robert W. Larkins, Community Development Director, City of Lemon Grove
Pat Lund, Acting Public Works Director, City of Lemon Grove
Dorothy Catone, Engineering Technician, Lemon Grove Sanitation and Lighting District
Tim Smith, Deputy Fire Chief, City of Lemon Grove Fire Department
Cora Long, Water Quality Management Analyst

Tuesday, July 22, 2014

CITY OF LEMON GROVE
JUL 22 2014
DEVELOPMENT SERVICES



MARTINEZ ADAMS BUILDERS
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To Whom It May Concern:

Golden Doors Development Joint Venture is proposing to revise the Tentative Map 0055 and Planned Development Permit PDP06-013 by:

- a. designing and implementing a one lane, one way traffic flow on Washington Street from Golden Avenue;
- b. incorporating the necessary curbing, landscaping, signage, stripping, and other traffic controls measures to regulate traffic access, flow and direction on Washington Street;
- c. incorporating the necessary signage for a five foot bike route along Washington Street in compliance with the City of Lemon Grove's Bikeway Master Plan;
- d. reducing easements/right-of-way dedication for the development to be consistent with the one-way travel concept along Washington Street, to provide ingress-egress access from both driveways and to increase the project acreage, thereby meeting base density;
- e. relocate the existing stop sign on the south leg of the Washington and Golden Avenue intersection to the north leg to mitigate for the inadequate sight distance; at the discretion of the City Engineer replace the existing stop signs on the east and west legs with yield signs;
- f. implement a bioretention area on the previous recreational area to meet hydromodification requirements;
- g. convert the tot lot area to a recreational area, to increase the common interest space available to the community.

These revisions resolve traffic concerns expressed by the City of Lemon Grove regarding the traffic flow and safety on Washington Street. It also provides over 3,000 square feet of landscaped sidewalk along Washington Street; monitored and maintained by Golden Avenue Row Homes' Homeowners Association.

Attachment E



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Revising the easement dedication—and maintaining the waivers granted—will allow Golden Doors Joint Venture to provide the community with the benefits of conservation, connectivity and amenities:

- ✓ Redesign of Washington Street for a safer traffic flow.
- ✓ Implementation of hydro-modification requirements.
- ✓ Installation of benches in the common area.
- ✓ Installation of water efficient landscaping.
- ✓ Four feet bike lane on Washington Street.
- ✓ Access to development located less than half a mile from major transit.

These proposed design features:

- ✓ exceed minimum resource conservation requirements, such as water, energy, materials, adaptive reuse;
- ✓ provides outdoor amenities, such as site furnishing or informal dining/gathering spaces;
- ✓ provides enhanced pedestrian, bicycle racks and/or vehicular connectivity elements.

Although the design features require modifications to the offsite work, the proposed design would not require any changes to the site (except for the public right-of-way along Washington Street), building footprints, or architectural design. Henceforth, the findings passed and approved by Lemon Grove's City Council on December 4, 2007 still apply to the development.

Golden Doors Joint Venture is reaching out to the City of Lemon Grove and presenting an opportunity to assist in the development of Golden Avenue Row Homes by revising Tentative Map 0055. The development of this project will:

- a. help eliminate blight in this area by replacing vacant land with a beautifully-designed structure that meets the development standards of the city and improves the character of the community;
- b. maintain and enhance the quality of residential neighborhoods in Lemon Grove as set forth by Goal 1 of the 2010-2020 Housing Element plan;



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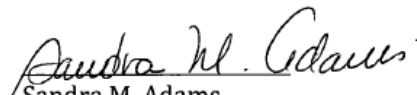
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- c. encourage the adequate provision of housing in a variety of costs, types, styles, locations, and tenures to meet the existing and future needs of Lemon Grove residents as set forth by Goal 3 of the 2010-2020 Housing Element plan;
- d. help the Agency meet its need for moderate and above moderate housing as shown by the City's Needs Assessment;
- e. result in a major transit oriented development since the project is half a mile from the Lemon Grove Depot and Main Street Promenade.

For the reasons explained above, Golden Doors Joint Venture considers this a chance to contribute to the enhancement of the quality, safety, and character, of this neighborhood and the City of Lemon Grove.

Sincerely,


Sandra M. Adams
President
Golden Doors Development

Attachment E



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July 22, 2014

Attention: Planning Department

Project Name: Golden Avenue Row Homes

Ref: Site Lighting Maintenance and Operation Hours.

CITY OF LEMON GROVE

JUL 22 2014

DEVELOPMENT SERVICES

To Whom It May Concern:

Golden Doors Development Joint Venture as owner/developer of Golden Avenue Row Homes will be responsible for the monitoring and maintenance of the site lighting until these responsibilities can be responsibly transferred to the Homeowners Association.

Site lighting will be operational from dusk to dawn. A similar note has been made on Sheet L-2; where the locations of the lights are shown. Monitoring and maintenance activities will be laid out on the Home Owners Association's Covenants, Conditions and Restrictions document. This document will be made available to the City and the Planning Department once the Planning Commission and the City Council have voted on the proposed Tentative Map Revision and Planned Development Modification.

Sincerely,

Sandra M. Adams

President

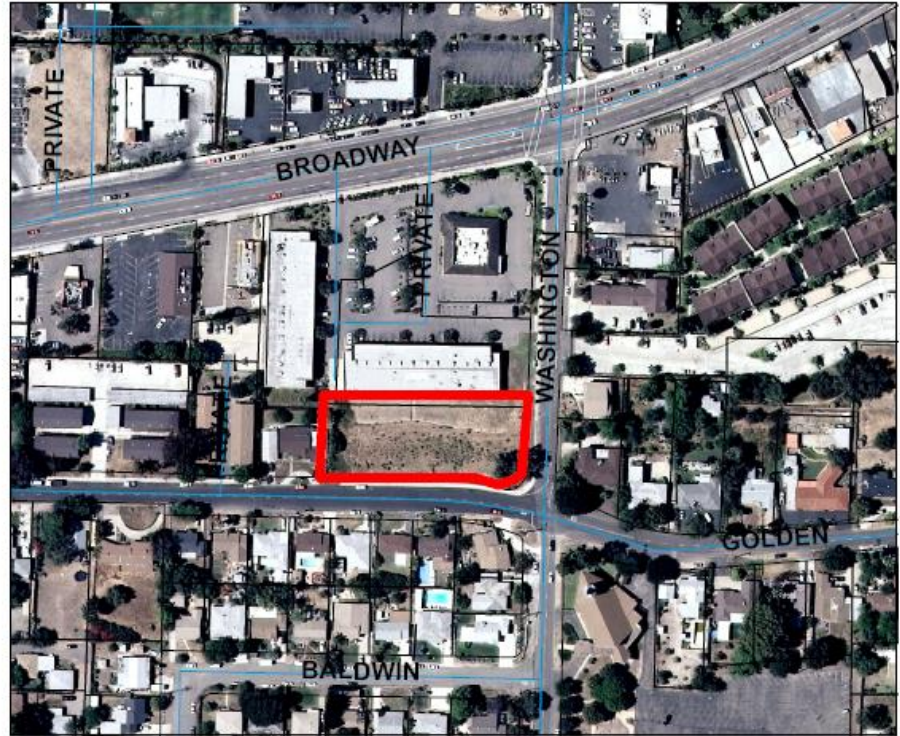
Golden Doors Development Joint Venture

VICINITY MAP AND AERIAL PHOTOGRAPH

Golden Ave Row Homes

Legend

-  8150 Golden Ave
-  Roads
-  Parcels



0 125 250 500 750 Feet

RESOLUTION NO. 2755

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING TENTATIVE SUBDIVISION (CONDOMINIUM) MAP (TM0055) TO SUBDIVIDE A 0.75 ACRE PARCEL INTO 22 CONDOMINIUM LOTS AND ONE COMMON LOT AND CERTIFYING THE ATTACHED MITIGATED NEGATIVE DECLARATION (ND07-06) LOCATED AT THE NORTHWEST CORNER OF GOLDEN AVENUE AND WASHINGTON STREET, LEMON GROVE, CALIFORNIA

WHEREAS, Mark Brencick of Landmark Consulting filed a complete application for a Tentative Map on May 29, 2007 to authorize the subdivision of a 0.75 acre parcel of land into 22 condominium lots and one common lot as part of a Planned Development for the construction of 22 condominium dwelling units located at the northwest corner of Golden Avenue and Washington Street; and

WHEREAS, a Mitigated Negative Declaration of Environmental Impact (ND07-06) will be filed subsequent to its certification and the approval of the proposed project; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on June 25, 2007; and

WHEREAS, at said hearing, the Lemon Grove Planning Commission took public testimony and recommended that the City Council approve Tentative Subdivision (Condominium) Map TM0055 and Planned Development Permit PDP06-013 and recommended that the City Council certify the Mitigated Negative Declaration of Environmental Impact ND07-06; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on July 17, 2007; and

WHEREAS, the City Council continued this public hearing to the August 7, 2007, September 18, 2007, November 16, 2007, and December 4, 2007 City Council meetings in order to allow time for the applicant to redesign the project in response to concerns expressed by the City Council and neighborhood; and

WHEREAS, the City Council finds that because the project qualifies for a five percent density bonus pursuant of Government Code Section 65915, the tentative map is consistent with the Lemon Grove General Plan because it proposes 22 condominium units at a density of 30.45 dwelling units per acre on a 0.75 acre parcel of land in the Medium/High Density Residential land use designation of the Lemon Grove General Plan which allows a maximum of 29 dwelling units per net acre; and

WHEREAS, the City Council finds that the tentative map complies with the findings of fact required to approve this project pursuant to Development Code Section 16.16.400 because the project complies with the time limitations of the State Subdivision Map Act; the existing lot is a legal lot; the proposed subdivision creates more than 5 lots; the proposed subdivision complies with the requirements of the Subdivision Ordinance; the map and design or improvements are consistent with applicable general and specific plans; the site is physically suitable for the type of development; and the site is physically suitable for the proposed density of development; and

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WHEREAS, the City Council has considered said Tentative Map and recommendations of the Community Development Department, City Engineer, and the Lemon Grove Fire Department with respect thereto and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, and improvement and design standards of the City of Lemon Grove; and

WHEREAS, the City Council has also considered Planned Development Permit (PDP06-013), site, architectural and landscape plans dated received November 19, 2007 associated with Tentative Subdivision (condominium) map TM0055; and

WHEREAS, in accordance with Section 16.12.280 of the Lemon Grove Municipal Code, the City Council finds that it is impractical in this particular case for this condominium subdivision to conform fully to the requirements of the Subdivision Ordinance. However, waivers and incentives granted as part of the approval of this project are found to conform to the spirit and purpose of the Subdivision Map Act and of the Subdivision Ordinance of the Lemon Grove Municipal Code; and

WHEREAS, the City Council has reviewed the design of the proposed subdivision and recommends the following waivers and incentives required pursuant to Government Code Section 65915 of certain requirements of the City Subdivision Ordinance in order to accommodate the proposed condominium map pursuant to Municipal Code Section 16.12.280:

1. A waiver of Section 17.16.040D1 (Minimum Lot Area) and Section 16.12.220B (Design Standards) to allow the proposed condominium lots to have less than 6,000 square feet of minimum lot area because said waiver is necessary in order to accommodate a condominium map; and
2. A waiver of Section 17.16.040D3 (Minimum Lot Width and Depth) and 16.12.220D (Design Standards) to allow the proposed condominium lots to have less than the 60 foot minimum width and 90 foot minimum lot depth because said waiver is necessary to accommodate a condominium map; and
3. A waiver of the maximum allowable density within the Residential Medium/High (RM/H) Zone which allows up to 29 dwelling units per acre. As part of a density bonus incentive for providing three units restricted to moderate income residents, the developer is requesting a five percent density bonus incentive proposing 22 units on 0.75 acres which is 30.45 dwelling units per acre or five percent more than the maximum density allowed in the RM/H Zone; and
4. A waiver of Section 17.16.040D4 (Minimum Yards) to allow the proposed condominium lots to have reduced minimum yards as specified in the Development Code because said waiver is necessary to accommodate a condominium map and to allow reduced yards between the building structures and the property's boundary lines because the developer is requesting minimum yard reductions as part of a density bonus incentive for providing three units restricted to moderate income residents. The developer requested incentives for reductions in the street side setback (10 feet is required, two to five feet is proposed) and the front setback (25 feet is required, 3.6 feet is proposed); and
5. A waiver of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The Development Code requires 500 square feet of usable open space per dwelling unit, resulting in a total of 11,000 square feet of required usable open space. The project provides

9,273 sq. ft. of usable open space, which results in an open space reduction of 1,727 sq. ft.; and

6. A waiver of Section 17.24.050C1 (Screening) to allow the pedestrian and vehicular gates and fences within the front yard setback area to exceed the maximum height of three and one-half feet, but not to exceed six feet, because the developer intends to provide added privacy and security to the residents of the proposed project; and

WHEREAS, the City Council hereby makes the following findings:

1. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property has no environmentally protected resources as discussed in the Mitigated Negative Declaration; and
2. The proposed Tentative Subdivision Map (TM0055) is consistent with the Residential Medium/High density (up to 29-dwelling units per net acre) land use designation of the Lemon Grove General Plan because the State Density Bonus Law allows a five percent density bonus in exchange for the affordable units proposed by the project; and
3. The site is physically suitable for the proposed density of development because public utilities will be available to serve the proposed density; and
4. The design of the subdivision or the type of improvements will not cause serious public health problems because public sewer services will be provided to the subdivision; and
5. The design of the subdivision or type of improvements do not conflict with easements acquired by the public at large for access through, or use of property within the proposed subdivision as defined under Section 66474 of the Government Code; and
6. The design and improvements of the proposed subdivision map complies with the requirements of the State Subdivision Map Act and the City of Lemon Grove Subdivision Ordinance except as specifically waived by the City Council; and
7. The redesign of the project, reducing the number of condominium units from 25 to 22 units with subsequent site improvements results in less of an impact on the environment and therefore a revision of the Negative Declaration is not required; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lemon Grove, California that the following hereby be directed:

SECTION 1. Certify the Mitigated Negative Declaration (ND07-06) that TM0055 and PDP06-013 would have no significant effect on the environment as mitigated; and

SECTION 2. Grant the following waivers of certain requirements of the City Subdivision Ordinance and General Plan as required by State Law and in order to accommodate the design of this project and because these waivers are necessary for the economic viability of the proposed project and in order to provide affordable housing:

1. A waiver of Section 17.16.040D1 (Minimum Lot Area) and Section 16.12.220B (Design Standards) to allow the proposed condominium lots to have less than 6,000 square feet of minimum lot area because said waiver is necessary in order to accommodate a condominium map; and

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2. A waiver of Section 17.16.040D3 (Minimum Lot Width and Depth) and 16.12.220D (Design Standards) to allow the proposed condominium lots to have less than the 60 foot minimum width and 90 foot minimum lot depth because said waiver is necessary to accommodate the design of a condominium map; and
3. A waiver of the maximum allowable density within the Residential Medium/High (RM/H) Zone which allows up to 29 dwelling units per acre. As part of a density bonus incentive for providing three units restricted to moderate income residents, the developer is requesting a five percent density bonus incentive proposing 22 units on 0.75 acres which is 30.45 dwelling units per acre or five percent more than the maximum density allowed in the RM/H Zone; and
4. A waiver of Section 17.16.040D4 (Minimum Yards) to allow the proposed condominium lots to have reduced minimum yards as specified in the Development Code because said waiver is necessary to accommodate a condominium map and to allow reduced yards between the building structures and the property's boundary lines because the developer is requesting minimum yard reductions as part of a density bonus incentive for providing three units restricted to moderate income residents. The Development Code requires specific building setback requirements from the property's boundary lines. The developer requested incentives for reductions in the street side setback (10 feet is required, two to five feet is proposed) and the front setback (25 feet is required, 3.6 feet is proposed); and
5. A waiver of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The Development Code requires 500 square feet of usable open space per dwelling unit, resulting in a total of 11,000 square feet of required usable open space. The project provides 9,273 sq. ft. of usable open space, which results in an open space reduction of 1,727 sq. ft.; and
6. A waiver of Section 17.24.050C1 (Screening) to allow the pedestrian and vehicular gates and fences within the front yard setback area to exceed the maximum height of three and one-half feet, but not to exceed six feet, because the developer intends to provide added privacy and security to the residents of the proposed project; and

SECTION 3. Approve Tentative Map TM0055 consistent and grading, site, landscape and architectural plans dated received November 19, 2007 and incorporated herein by reference as Exhibit A, except as noted herein, subject to the following conditions which shall be complied with before a final map thereof is approved by the City Council and filed with the County Recorder of San Diego County.

A. PRIOR TO ISSUANCE OF ANY GRADING OR IMPROVEMENT PERMIT:

- 1) Prior to Final Map Recordation, all property corners of the parcel(s) of the lot shall be monumented with three-fourths (.75 inch [interior diameter] iron pipe with lead plug and copper identification disks) at least 18 inches long and to the satisfaction of the Community Development Director. Alternatively, applicant may enter into a secured agreement to install monumentation prior to final.
- 2) Obtain approval of all required discretionary permits for Tentative Map (TM0055) and Planned Development Permit (PDP06-013).

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- 3) Submit and obtain approval of a Standard Urban Stormwater Mitigation Plan for the proposed project to the satisfaction of the Water Quality Program Coordinator and the City Engineer. The SUSMP shall be completed and approved prior to the issuance of any other permits.
- 4) Submit and obtain approval of the grading plan to the satisfaction of the City Engineer.
- 5) A private improvement, grading, and drainage plan shall be submitted showing all of the proposed and existing on-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed development shall be implemented with the design of the grading. A private storm water treatment maintenance agreement shall be signed and recorded.
- 6) A public improvement plan shall be submitted showing all of the proposed and existing improvements within the public right of way. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. The subdivider shall submit record drawings (as-builts) and engineering documentation for all public improvements to the City to the satisfaction of the City Engineer after Final Map recordation.
- 7) A private Sewer Maintenance agreement shall be submitted for the future repair and rehabilitation of the proposed private sewers prior to the issuance of grading or improvement permits. The City will provide the template for the agreement.
- 8) A letter of permission to grade will be required from the owner of the adjacent property owner within which storm drain work is proposed prior to issuance of grading or improvement permits. The letter must acknowledge the work to be done, the date of the plan of work for which the letter is intended to cover, and be signed with notary attached.
- 9) An agreement not-to-oppose the formation of a future utility undergrounding district will be required to be submitted prior to issuance of grading or improvement permits.
- 10) A final soils engineering report shall be submitted for the Engineering Department's review prior to issuance of grading and improvement permits. In addition to verifying the preliminary soils report, the final soils report shall address the adequacy of the building pads, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways.
- 11) A Right-of-Way permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way and a grading permit shall be obtained for the proposed grading construction on private property.
- 12) A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work proposed within the private property shall be submitted with the plans. A separate cost

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estimate shall be submitted for work proposed within the public right of way. Performance agreements and security equal to the approved cost estimates shall be posted for each the private and public improvements. Templates for these agreements are available from the City.

B. PRIOR TO APPROVAL AND RECORDATION OF A FINAL MAP:

Public Improvements

- 1) The subdivider shall provide proof satisfactory to the director of public health that there exists an adequate potable water supply available to each lot or parcel, and that the subdivider install or agree to install water supply pipes of a minimum six inches in diameter, provided that the City Engineer may require such other diameter of water supply pipe as may be recommended by Helix Water District.
- 2) Grade streets to grades and widths required by the City standards.
- 3) All new utility distribution facilities, including cable television lines, within the boundaries of any new subdivision or within any half street abutting a new subdivision shall be placed underground. The subdivider shall coordinate with the necessary cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground unless directed otherwise by the City Engineer. All proposed structures on the subject property shall connect to the utility systems via underground systems.
- 4) The applicant shall execute a covenant agreeing not to oppose the formation of future utility undergrounding districts that may affect this property.
- 5) The subdivider shall construct or shall cause to be constructed, at his/her cost, a street lighting system conforming to City standards.
- 6) The subdivider shall submit plans and specifications for improvements of all streets, access and drainage easements, culverts, drainage structures and drainage channels to the City Engineer for approval which includes off-site improvements (if applicable).
- 7) Street alignments and grades, including the change of any existing or proposed street alignment and grade, shall be as required by the City Engineer.
- 8) Provide construction plans and construct the public improvements along Golden Avenue and Washington Street as proposed in the Grading and Landscape Plan to the satisfaction of the City Engineer prior to issuance of building permits. Improvement permit work shall include the full width replacement of the pavement section on the Washington Street frontage, public improvements shown on the Grading Plan from the property to 100 feet north of the property along Washington Street, improvements shown on the Grading Plan along Golden Avenue within the City right-of-way and roadway easements, and other improvements incidental to the proposed street improvements as required by the City Engineer.

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- 9) Obtain an encroachment permit for the installation of private facilities and/or for grading work in/or adjacent to the public right-of-way.
- 10) The installation of gas, electric, sewer, and water lines and any other below surface utilities is required to take place before the installation of any concrete curbs, gutters, sidewalks, and surfacing of the streets (including repair or replacement).
- 11) Prior to issuance of grading and improvement permits, the structural pavement section for the private driveways located on the subject property shall be based on the soils report prepared by a Geotechnical Engineer to the satisfaction of the City Engineer.
- 12) Sight distance requirements at all intersections shall conform to the intersectional sight distance criteria as provided to the American Association of State Highway Officials in the publication "Geometric Design for Local Roads and Streets 1971" or as revised to the satisfaction of the City Engineer. Improvement to the vertical curve on Washington Street will not be required.
- 13) If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the City Engineer to insure any damage to the existing roadway or other public improvements are repaired in a timely manner.
- 14) All public streets curb return radii shall be a minimum radius acceptable to the City of Lemon Grove Fire Chief and City Engineer.
- 15) The improvement plans shall include a detail of the curb outlet to the satisfaction of the City Engineer.
- 16) The subdivider shall provide the City Engineer with letters from the serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels created. No letter will be required from the Pacific Bell Telephone Company.
- 17) Prior to issuance of building permits, submit an Encroachment Removal and Maintenance Agreement to be reviewed and approved by the City Engineer for the work along Washington Street and Golden Avenue within the City right-of-way or roadway easements, to include, but not be limited to: planters, landscaping and irrigation, sidewalks and driveway approaches. The use of non-standard improvements (stamped and stained concrete walkways) within the City right-of-way along Golden Avenue will be required to be reviewed and approved by the City Engineer as part of the Encroachment Maintenance and Removal Agreement.
- 18) The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements and stamped and stained concrete sidewalks installed within the public right-of-way (along both Golden Avenue and Washington Street). Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner

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or, its successors or assigns, shall remove and relocate all irrigation or concrete items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.

- 19) Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
- 20) The developer/owner shall be required to repair and/or replace any damaged public improvements fronting the project.

Sanitary Sewer Service

- 21) Each dwelling unit of the proposed subdivision shall be connected to a sewer of the Lemon Grove Sanitation District.
- 22) The applicant shall submit sewer lateral plans with the improvement plans. These sewer lateral plans shall be submitted in digital format and as paper copies to the satisfaction of the City Engineer.
- 23) Backflow prevention devices for private building sewers shall be required pursuant to Section 710.0 of the CBC (2000 UPC).
- 24) Submit a copy of Title Report number 3, "Relinquishment by Deed to Ingress and Egress to Golden Avenue Recorded August 16, 1963, file # 146236".
- 25) Obtain sewer permits and pay capacity fees for 22 units.
- 26) The subdivider shall provide easements for all proposed sewer facilities as required by the Lemon Grove Sanitation District. The location of the proposed sewer facilities shall be as required by the Lemon Grove Sanitation District.
- 27) A maintenance agreement for the private sewer shall be executed to the satisfaction of the City Engineer.
- 28) The proposed onsite sewer shall be privately owned and maintained.

Flooding/Drainage Dedication and/or Requirements

- 29) The subdivider shall prepare construction plans and construct drainage facilities in accordance with the Drainage and Hydrology Study prepared for the project and to the satisfaction of the City Engineer.
- 30) Provide the City with a final drainage/hydrology report/letter indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit.
- 31) The Developer, Current and Future Property Owners shall adhere to the recommendations of the requirements of the SUSMP prepared for this project to the satisfaction of the Water Quality Program Coordinator and the City Engineer.
- 32) The applicant shall in a manner meeting the approval of the City Engineer, design provisions for surface drainage and design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff. All necessary

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easements for storm drains shall be obtained and recorded on the final map.

- 33) On-site drainage shall be in compliance with the National Pollutant Discharge Elimination System (NPDES) permit.

Grading

- 34) The subdivider shall submit grading plans and a grading permit application to the City Engineer. Grading plans shall be prepared by a registered civil engineer and approved before or concurrently with the approval of the improvement plans. The developer shall submit an erosion and sediment control plan with Construction Best Management Practices (BMPs).
- 35) Add the width dimension on the preliminary grading plan for the proposed walkways within the City right-of-way along Golden Avenue.
- 36) Denote on the preliminary grading plan that the driveway proposed along Washington Street is "Entrance Only" and the driveway proposed along Golden Avenue is for ingress and egress.
- 37) Building permits shall be submitted with the grading plans for retaining walls where required.
- 38) Submit a truck routing plan for grading activities concurrent with the submittal of the grading plan and grading permit application if required by the City Engineer.
- 39) The developer/owner shall submit an erosion control plan and irrigation plan with a sediment control plan to the satisfaction of the City Engineer.
- 40) The contractor/permittee conducting any earth moving operation shall be responsible for controlling dust created by its grading operation or activities at all times.
- 41) Certification that the as-built grading is consistent with Municipal Code Section 18.08.380 shall be submitted prior to issuance of building permits.
- 42) All grading permit fees and deposits shall be paid and all actions necessary preceding the issuance of the grading permit shall be completed prior to recording the final map.
- 43) Obtain a grading permit from the City prior to any grading activities.
- 44) A pad certification and compaction report shall be submitted to the City for review and approval prior to applicant request for final inspection on the grading permit. Provide the City with, upon completion of the grading, a compaction report from the geotechnical firm and a letter from a licensed civil engineer that the grading and elevations of the pad were done in accordance with the approved grading plans and prior to the issuance of building plans.
- 45) Provide the City with, upon completion of the paving, a letter from the geotechnical firm or a licensed civil engineer that the structural pavement section was constructed in accordance with the geotechnical report prior to the issuance of final occupancy.

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- 46) The development and preparation of the site shall conform to the soils and geotechnical reports submitted to the City.
- 47) A full-time paleontologist shall monitor grading and excavation activities, including utility trenching, etc., at all times when the Mission Valley formation potentially may be disturbed. The mitigation program shall be consistent with the provisions of the California Environmental Quality Act (CEQA), regulations currently implemented by the City of Lemon Grove, and proposed guidelines of the Society of Vertebrate Paleontology. The disturbance of the Mission Valley Formation shall be conditioned as follows:
 - a. The designee of the applicant shall conduct a cultural resources records search and a Sacred Lands File search of the project area to determine if there is likelihood for on-site Native American cultural resources. A copy of a letter regarding the records search shall be provided to the Community Development Department prior to issuance of grading or improvement permits. The report shall provide recommendations for further analysis and those recommendations shall be implemented as a part of the mitigation measures.
 - b. A qualified paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall be present at the pre-grading meeting to consult with the grading and excavation contractors. A qualified paleontologist is defined as an individual with a Bachelor's or higher degree in paleontology or geology experienced in pale ontological techniques and procedures.
 - c. A qualified paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall be present at all times during the original cutting of previously undisturbed sediments of the Mission Valley Formation. These monitors shall inspect any excavation which exposes sediments of the Mission Valley Formation. Said monitors shall salvage remains as they are uncovered.
 - d. The paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall be allowed to temporarily direct, divert or halt grading to allow recovery of fossil and artifact remains.
 - e. The paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall document the stratigraphic and geologic context of salvaged fossil and artifact remains.
 - f. The paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall clean, repair and sort salvaged fossils and artifacts for eventual donation.
 - g. Prior to final inspection a report shall be prepared summarizing the results of the mitigation program and submitted to the City of Lemon Grove Community Development Director. This report will include a discussion of methods employed, fossils and artifacts recovered,

geologic context of fossil and artifact remains and the significance of the mitigation program.

- h. All curated fossil and artifact specimens shall be donated to an institution with a proven history of professional, long term care and storage of paleontologic and archaeological collections, such as the San Diego Natural History Museum.

Fire Protection

- 48) Submit plans showing the size, type, and location of the required fire hydrant, minimum water supply pipe size, minimum turn radii and road width and all other requirements of the Fire Department. A final inspection by the Fire Department shall be required to confirm compliance with this requirement.
- 49) The subdivider shall grant to the appropriate agency by recorded documents all required easements, specifically all on-site water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
- 50) Each dwelling unit in the development shall be protected with an approved automatic fire suppression sprinkler system to the satisfaction of the Fire Marshal.
- 51) The private driveway is to be designated as a Fire Lane. Fire lanes (20-foot clear with no parking) and fire lane markings shall be provided to the satisfaction of the Lemon Grove Fire Department along the private vehicular driveway within the project. The fire lane will be designated per City Fire Department standards and shall be marked and posted "No Parking-Fire Lane" and the curb shall be painted red to the satisfaction of the City of Lemon Grove Fire District. A final inspection by the Fire Department shall be required to confirm compliance with this requirement prior to the construction with combustible materials and final occupancy.
- 52) All access roadways and driveways shall maintain a minimum vertical clearance of 13'-6" to the satisfaction of the Fire Marshal.
- 53) A fire hydrant shall be installed on Golden Avenue at the driveway entrance to the satisfaction of the Fire Department. A note shall be placed on the construction plans stating that the hydrant shall be installed and in service prior to construction with combustible materials. A final inspection by the Fire Department shall be required to confirm compliance with this requirement.
- 54) All fire access gates shall be provided with approved key operating switches and traffic control strobe activating sensors.
- 55) The project shall comply with all applicable provisions of the California Fire Code and the California Building Code.

Lighting

- 56) A deposit for the initial operation costs expended by the Lighting District for the subject property shall be submitted until the condominium lots are placed on the Tax Assessor's yearly statement.

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- 57) As-built drawings shall be submitted to SDG&E to energize all of the required street lights.
- 58) A formal written request to add street lights to the Lemon Grove Lighting District shall be submitted to the City of Lemon Grove Lighting District prior to permanent energizing.
- 59) Install the proposed street lights to the satisfaction of the City Engineer. Contact SDG&E for installation and billing requirements.

Affordable Units

- 60) Prior to recordation of the final map, the property owner shall execute an agreement imposing restrictions on real property with the Redevelopment Agency, in which the Owner agrees to reserve three (3) two-bedroom with den condominiums (hereinafter called the "affordable units") in the Project exclusively for sale to and/or occupancy by moderate-income households whose annual income does not exceed 80-120% of the San Diego County area median income (AMI) as determined by the California Department of Housing and Community Development (HCD). The affordable units shall be maintained for 45 years for owner occupied dwelling units, and 55 years for rentals. The moderate income households occupying the affordable units shall expend no more than 30 percent of the gross household income on all housing costs related to their designated affordable unit as determined by the Community Development Department and the Lemon Grove Community Development Agency (Agency). These covenants or restrictions shall be recorded in the office of the County recorder for each unit of real property subject to this subdivision in a form acceptable to the City Attorney. Notwithstanding any other provision of law, these covenants or restrictions shall run with the land and shall be enforceable, against the original owner and successors in interest, by the Agency or the community. The affordable units shall be dispersed throughout the development so that no two affordable units are directly adjacent to one another. Certification of household income shall be established by the Agency Director. This condition may be modified as required by the Agency and the Community Development Department prior to the recordation of the final map.

Final Map

The final map shall show or provide for the following:

- 61) The design and area of all lots and the design of the final map shall be in substantial conformance to that shown on the approved tentative map to the satisfaction of the Community Development Director.
- 62) The final map shall include the entire area shown on the tentative map and shall not be filed as units. Lot numbering and design on the final map shall be in substantial conformance to that shown on the approved tentative map.
- 63) The final map shall indicate that this project is a condominium development for twenty-two (22) dwelling units.

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- 64) The final map shall include a note to the satisfaction of the Executive Director and Attorney of the Lemon Grove Community Development Agency regarding the provision of affordable housing.

Other

- 65) A Homeowner's Association (HOA) shall be created to manage the Covenants, Conditions and Restrictions (CC&Rs). Said CC&Rs shall be submitted to the City for review and shall be written to the satisfaction of the Community Development Director and the City Engineer. The CC&Rs shall include the requirements of the SUSMP approved for this project to the satisfaction of the Water Quality Program Coordinator, City Engineer and Community Development Director and all other HOA requirements and shall be recorded concurrent with the final map and shall include but not limited to the following:
- a. Best Management Practices (BMP's) and a Private Driveway and Drainage Maintenance Agreement. The maintenance and the preservation of the natural drainage facilities shall be included in the CC&Rs. The Developer, Current and Future Property Owners shall adhere to the recommendations of the SUSMP and CC&Rs approved for this project.
 - b. HOA on-going maintenance of landscaping and irrigation of slopes, parkways, open space and park areas is required.
 - c. Immediate removal of graffiti is required.
 - d. All garage doors shall be automatic roll-up type doors and equipped with remote control devices.
 - e. All landscaping and other exterior site improvements on-site shall be well maintained at all times in substantially the same condition as approved in accordance with the approved site and landscape plans.
 - f. Requirements to maintain the drainage facilities and any access easements (where they occur) on the property.
 - g. Identify and implement the BMP's identified in the Standard Urban Stormwater Mitigation Plan (SUSMP) prepared for this project and state that the Developer, Current and Future Property Owners shall comply with the recommendations of the SUSMP prepared for this project to the satisfaction of the Water Quality Program Coordinator and the City Engineer.
 - h. Funding of the long term maintenance of all facilities required by the SUSMP shall be included in the annual HOA budget.
 - i. A long-term operation and maintenance program (OMP) will be a requirement and the responsibility of the Homeowners' Association (HOA) to maintain. Funding for the program is required to be accounted for in the annual budget of the HOA.
 - j. All garages shall be available for required off-street parking at all times. Parking in the driveway(s), except in designated parking spaces is prohibited.
 - k. Ongoing maintenance of the onsite private sewer is required.

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- I. Other conditions as determined by the Community Development Director and City Engineer.
- 66) The Declaration of Conditions, Covenants, and Restrictions (CC&Rs) shall clearly establish the responsibilities of the home owners with regard to the continuing maintenance and preservation of the buildings, driveways, public street, parkway, private street and drainage facilities (where they occur), slope banks, landscaping and irrigation. Said Conditions, Covenants and Restrictions shall specifically limit the number of dwelling units to twenty-two (22) to be built on the site, shall give the City the right but not the duty to enter the premises to do maintenance and levy assessments if the home owners fail or refuse to maintain said facilities, and shall forbid amendments to the CC&Rs without express written consent of the City.
- 67) The subdivider shall comply with section 66436 of the Government Code by furnishing to the City Engineer a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: a) they have received from the developer a copy of the proposed final map; b) they object to/do not object to the filing of the map without their signature; c) in the case of a street dedication affected by their existing easement, they will sign a "subordination certification" or "joint-use certificate" on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the tentative map.
- 68) The subdivider shall submit a title report for the property no more than 60 days in advance of the recordation of the Final Condominium Map to the City Engineer for review. The final map shall identify any easements indicated within the Title Report.
- 69) All plans and technical studies required to be submitted to City of Lemon Grove Engineering Services Department for review and approval shall be prepared by a California Registered Professional Engineer or applicable utility provider.
- 70) For any work within the public right-of-way, the subdivider shall secure an encroachment permit to work within the City right-of-way and place a special deposit with the City to ensure that any damage to the existing roadway or other public improvements is repaired in a timely manner.
- 71) The subdivider shall provide easements for all proposed pedestrian access ways on-site not within the proposed common areas as required by the City Engineer.
- 72) The subdivider shall provide easements for the maintenance of all proposed landscaped areas on-site as required by the City Engineer.
- 73) Safety fencing shall be required at the top of the keystone retaining wall and westerly masonry retaining wall. Safety fencing shall be shown on all Grading Plans.

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- 74) Submit a draft maintenance agreement for the on-going maintenance of access and landscape easements and off-street parking spaces for recordation on the final map.
 - 75) The subdivider shall provide the City Engineer with two reproducible Mylar copies of the final map for recordation.
- C. The protection of the public interest requires that the subdivider, contractors, builders, lot or parcel owners, and other person, firms and corporations concerned with the development of said subdivision conform to the following standards, and all permits required by the City of Lemon Grove will be issued pursuant to such standards:
- 1) All domestic water supplied for this subdivision shall come from the Helix Water District.
 - 2) All buildings constructed in this subdivision shall be connected to the public sewer system of the Lemon Grove Sanitation District.
 - 3) The project shall comply with applicable provisions of the 2001 California Building Code which adopts the 1997 UBC, 2000 UMC, UPC, 2002 NEC & title 24 Energy Requirements.
 - 4) Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
 - 5) Proper drainage shall be maintained throughout this subdivision as to prevent ponding and/or storage of surface water and shall be in compliance with the National Pollutant Discharge Elimination System (NPDES) permit to the satisfaction of the City Engineer.
- D. This approval of this tentative map will expire two years from the date of approval. The final map or maps conforming to this conditionally approved tentative map shall be filed with the City Council in time so that said Council may approve the map before this approval expires unless prior to that date the Planning Commission or City Council subsequently grants a one-year time extension for obtaining such approval of said final map or maps as provided by the City Subdivision Ordinance.
- E. The subdivider shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project, City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully.

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Attachment G


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PASSED AND ADOPTED by the City Council of the City of Lemon Grove, California on December 4, 2007 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Clabby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary England	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Selby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


MARY TERESA SESSOM, Mayor

Attest:


SUSAN GARCIA, City Clerk

CERTIFICATION OF CITY CLERK

I, Susan Garcia, City Clerk of the City of Lemon Grove, California do hereby certify the foregoing to be a true and exact copy of Resolution No. 2755 duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

SUSAN GARCIA, City Clerk

Attachment G

RESOLUTION NO. 2756

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING PLANNED DEVELOPMENT PERMIT (PDP06-013) TO AUTHORIZE THE DEVELOPMENT OF A 22 UNIT CONDOMINIUM PROJECT LOCATED ON A VACANT LOT AT THE NORTHWEST CORNER OF GOLDEN AVENUE AND WASHINGTON STREET, LEMON GROVE, CALIFORNIA

WHEREAS, Mark Brencick of Landmark Consulting filed a complete application for a Planned Development on May 29, 2007 to authorize the subdivision of a 0.75 acre parcel of land into 22 condominium lots and one common lot as part of this Planned Development for the construction of 22 condominium dwelling units located at the northwest corner of Golden Avenue and Washington Street; and

WHEREAS, a Mitigated Negative Declaration of Environmental Impact (ND07-06) will be filed subsequent to its certification and the approval of the proposed project; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on June 25, 2007; and

WHEREAS, at said hearing, the Lemon Grove Planning Commission took public testimony and recommended that the City Council approve the requested waivers as proposed and approve Tentative Subdivision (Condominium) Map TM0055 and Planned Development Permit PDP06-013 and recommended that the City Council certify the Mitigated Negative Declaration of Environmental Impact ND07-06; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on July 17, 2007; and

WHEREAS, the City Council continued this public hearing to the August 7, 2007, September 18, 2007, November 16, 2007, and December 4, 2007 City Council meetings in order to allow time for the applicant to redesign the project in response to concerns expressed by the City Council and neighborhood; and

WHEREAS, the City Council finds that because the project qualifies for a five percent density bonus pursuant of Government Code Section 65915, the tentative map is consistent with the Lemon Grove General Plan because it proposes twenty-two condominium units at a density of 30.45 dwelling units per acre on a 0.75 acre parcel of land in the Medium/High Density Residential land use designation of the Lemon Grove General Plan which allows a maximum of 29 dwelling units per net acre; and

WHEREAS, the City Council has determined that the following findings of fact, as required by Section 17.28.030(D) of the Lemon Grove Zoning Ordinance, can be made as follows:

1. In order to approve this Planned Development Permit, the City Council must find that the development proposed in the plans and drawings which accompany the application will be consistent with the objective of this Section.
 - a) The City Council finds that the design of this project is consistent with the objectives of the Planned Development Permit section of the City Zoning Ordinance because the design of the development utilizes modern site design techniques and conditions have been included in the approval of

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this project to make it consistent with the requirements of the Zoning Ordinance and to create a project which is harmonious with the existing and potential development in the vicinity.

2. In order to approve this Planned Development Permit, the City Council must find that the proposed location of this Planned Development is consistent with the purposes of the Zoning District in which the subject property is located:
 - a) The City Council finds that the proposed project complies with, or conditions have been included which require it to comply with, the requirements of the Zoning Ordinance for a residential development of this type.
3. In order to approve this Planned Development Permit, the City Council must find that the proposed development will comply with each of the applicable provisions of the Zoning Ordinance including off-street parking, landscaping/screening and open space.
 - a) The City Council finds that the proposed project complies with, or conditions have been included for this project to require it comply with, the Zoning Ordinance requirements relating to off-street parking, screening and landscaping.
 - b) The City Council has reviewed the design of the proposed subdivision and waives the following requirements of the City Subdivision and Zoning Ordinance in order to accommodate the proposed condominium map pursuant to Municipal Code Section 16.12.280 and in order to comply with State Density Bonus Law:
 1. A waiver of Section 17.16.040D1 (Minimum Lot Area) and Section 16.12.220B (Design Standards) to allow the proposed condominium lots to have less than 6,000 square feet of minimum lot area because said waiver is necessary in order to accommodate a condominium map; and
 2. A waiver of Section 17.16.040D3 (Minimum Lot Width and Depth) and 16.12.220D (Design Standards) to allow the proposed condominium lots to have less than the 60 foot minimum width and 90 foot minimum lot depth because said waiver is necessary to accommodate a condominium map; and
 3. A waiver of Section 17.16.040D4 (Minimum Yards) to allow the proposed condominium lots to have reduced minimum yards as specified in the Development Code because said waiver is necessary to accommodate a condominium map and to allow reduced yards between the building structures and the property's boundary lines. The developer requested incentives for reductions in the street side setback (10 feet is required, two to five feet is proposed) and the front setback (25 feet is required, 3.6 feet is proposed); and
 4. A waiver of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The Development Code requires 500 square feet of usable open space per dwelling unit, resulting in a total of 11,000 square feet of required

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- usable open space. The project provides 9,273 sq. ft. of usable open space, which results in an open space reduction of 1,727 sq. ft.; and
5. A waiver of Section 17.24.050C1 (Screening) to allow the pedestrian and vehicular gates and fences within the front yard setback to exceed the maximum height of 3.5 feet, but not to exceed six feet, because the developer intends to provide added privacy and security to the residents of the proposed project; and
 4. In order to approve this Planned Development Permit the City Council must find that existing street and systems for water, drainage and sewer which are intended to serve the proposed development are adequate or will be made adequate to accommodate the additional burdens imposed by the proposed project.
 - a) The City Council finds that this project will provide adequate systems for water, drainage and sewer to serve the proposed development and does not impose unacceptable burdens on the existing systems.
 5. In order to approve this Planned Development Permit the City Council must find that the combination of dwelling types, lot size, and uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity; the planned open space, parking and recreation facilities are consistent with the anticipated population of the development.
 - a) The City Council finds that the design of the proposed project, as conditioned, will be harmonious with the surrounding land uses and adequate for the anticipated population of the development.
 6. In order to approve this Planned Development Permit, the City Council must find that the development will produce an environment of sustained desirability and stability, harmonious with the character of the surrounding area and consistent with the objectives of the Lemon Grove General Plan and other applicable plans or policies adopted by the City Council.
 - a) The City Council finds that the proposed development, as conditioned, will harmonize with the land uses in the area of the subject property and is consistent with the applicable objectives of the Lemon Grove General Plan.
 - b) The City Council has reviewed the design of the proposed subdivision and waives the following requirements of the City General Plan in order to accommodate the proposed condominium map:
 1. A waiver of the maximum allowable density within the Residential Medium/High (RM/H) Zone which allows up to 29 dwelling units per acre. As part of a density bonus incentive for providing three units restricted to moderate income residents, the developer is requesting a five percent density bonus incentive proposing 22 units on 0.75 acres which is 30.45 dwelling units per acre or a five percent density bonus; and
 7. In order to approve this Planned Development Permit, the City Council must find that the proposed development is sensitive to the site's topography, minimizes grading and avoids disruption to hillsides.

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- a) The City Council finds that the project site has been previously disturbed and that the proposed grading for the site has appropriate access and adequate open space, and impacts to the existing topography on adjacent properties and road systems is minimized.
- 8. In order to approve this Planned Development Permit, the City Council must find that the proposed use will not become detrimental to the public interest, health, safety, convenience or general welfare.
 - a) The City Council finds that the design of the proposed project complies, or will be made to comply with all of the applicable requirements of the City Zoning Ordinance relating to public safety and no such detriment should occur.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the facts set forth in the recital of this Resolution are found and declared to be true, and therefore the City Council of the City of Lemon Grove approves Planned Development Permit PDP06-013 in conjunction with Tentative Map TM0055 and consistent with the plans dated received November 19, 2007 and incorporated herein by reference as Exhibit A except as noted herein, to authorize the proposed development of a 22-unit condominium development consisting of two, three story buildings, including landscaping, screening, and off-street parking on approximately 0.75 acres of vacant land located on the northwest corner of Golden Avenue and Washington Street, Lemon Grove California. The approval of this project shall be subject to the following conditions:

- A. Prior to the issuance of the building permit for the construction of the facility authorized by this Planned Development Permit the applicant shall comply with the following:
 - 1) Obtain City Council approval of Tentative Map (TM0055), and Planned Development Permit (PDP06-013).
 - 2) Record the Final (Condominium) Map for TM0055.
 - 3) All physical elements of the proposed project shown on the approved plans dated November 19, 2007 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes.
 - 4) The project shall comply with the applicable provisions of the 2001 California Building Code (which adopts the 1997 UBC, 2000 UPC, UMC, 2002 NEC, Fire Code and Title 24 Energy requirements).
 - 5) All garage doors shall be equipped with an automatic roll-up garage door and remote control. This requirement shall be included in the Conditions, Covenants and Restrictions (CC &Rs).
 - 6) Submit, for the approval of the Community Development Director, a detailed landscape and irrigation plan for the entire project. Provide reference sheets for the grading and landscape erosion control plans. The plan shall indicate all surface improvements including but not limited to the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments. Said landscape plan shall comply with

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the requirements of Section 17.24.050(B) of the Municipal Code. The landscape plan shall be in substantial conformance to the approved landscape concept plan. The landscape plan shall be incorporated into the Conditions, Covenants and Restrictions (CC&Rs) and landscaping and irrigation shall be maintained by the Homeowner's Association (HOA).

- 7) The building plans for the proposed condominium units shall include one copy of the sample exterior building materials and colors to the satisfaction of the Community Development Director.
 - 8) The Conditions, Covenants and Restrictions (CCRs) adopted for this project shall include a requirement that all landscaping shall be well maintained and adequately watered at all times.
 - 9) Final occupancy will be granted upon final inspection approval. The payment of the Parkland Dedication fee shall be paid for each dwelling unit prior to final inspection.
 - 10) All dwelling units shall comply with the interior noise level requirements of California Code Title 24.
 - 11) All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 - 12) Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
 - 13) The terms and conditions of the Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
- B. Upon certification by the Community Development Director for occupancy or establishment of use allowed by the Planned Development Permit of this project, the following shall apply:
- 1) Comply with all of the Conditions of Section A of this resolution and the requirements of TM0055, as applicable.
 - 2) All landscaping shall be well maintained and adequately watered at all times. The landscaping located on the subject property shall be maintained in a healthy and growing condition at all times. All on-site & off-site landscaped areas shall be planted and irrigated by a permanent irrigation system.
 - 3) The proposed facility shall fully comply with the requirements of the Fire Code to the satisfaction of the Fire Chief.
 - 4) The use of barbed wire or razor ribbon on any fences, gates or walls is prohibited.
 - 5) All screening fences, walls and landscaping on the subject property shall be maintained in good condition at all times.

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- 6) All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 - 7) All graffiti shall be removed or painted over with a paint that closely matches the color of the exterior of the building within 48 hours of the discovery of the graffiti.
 - 8) All trash receptacles, recycling or refuse containers are required to be within the individual residences of the proposed condominium development at all times, except that one recycling container and one refuse container per dwelling unit is permitted directly outside of the individual dwelling unit's garage within eight hours of the trash pick-up times specified by EDCO waste and recycling company.
 - 9) No parking is permitted within the private drive aisle (driveway) or designated fire lane area at any time. Six designated unenclosed off-street parking spaces are provided on-site and parking on-site is only permitted within these six spaces and within the dwelling units' garages.
 - 10) All structures on the subject property shall comply with all of the appropriate requirements of the Uniform Building Code, Mechanical Code, National Electric Code and Fire Code to the satisfaction of the City of Lemon Grove Building Official and Fire Chief.
 - 11) All aspects of the project shown on the approved plans dated November 19, 2007 shall be maintained in substantially the same condition as indicated and shall be constructed in accordance with all appropriate City of Lemon Grove Codes and Ordinances.
 - 12) Any deviations proposed from the approved plans relating to the construction of facilities and maintenance of improvements as shown on the approved plans dated November 19, 2007 shall be approved by the Community Development Department. This includes the exterior colors of all buildings, walls, fences, and gates.
 - 13) Rooftop mechanical equipment, including but not limited to heating, air conditioning and ventilating equipment, shall be screened so that it may not be seen from the level of adjacent streets and sidewalks.
 - 14) The terms and conditions of this Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporation, public agencies, and districts.
- C. This Planned Development Permit expires two years from the effective date (or such longer period as may be approved by the Planning Commission or the City Council of the City of Lemon Grove prior to said expiration date) unless all requirements of this Planned Development Permit have been met prior to said expiration date.

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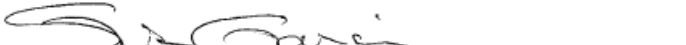
Attachment G

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, California on
December 4, 2007 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Clabby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary England	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Selby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


MARY TERESA SESSOM, Mayor

Attest:


SUSAN GARCIA, City Clerk

CERTIFICATION OF CITY CLERK

I, Susan Garcia, City Clerk of the City of Lemon Grove, California do hereby
certify the foregoing to be a true and exact copy of Resolution No. 2756 duly passed and
adopted by the City Council of said City on the date and by the vote therein recited.

SUSAN GARCIA, City Clerk

Attachment H

EXHIBIT “A” – PROJECT PLANS

Not Attached

Enclosed in City Council packet or available at City Hall for

Review